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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 7702/2024 & CRL.M.A. 29384/2024**

VIKAS VERMA & ORS.

.....Petitioners

Through: Mr. Amit Singh Chauhan, Ms. Shikha Chauhan, Mr. Udit Chauhan, Mr. Neelmani Guha, Mr. Hamza Ghayour, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI Shweta, P.S.: Tilak Nagar.
Mr. Lavvkush Agnihotri, Mr. Suman Nayak, Mr. Lavkush Agnihotri, Mr. Minakshi, Agnihotri, Mr. Yojna Agnihotri.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.09.2024

CRL.M.A. 29383/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7702/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 read with Article 226 of the Constitution of India, the petitioners, who are the former husband and in-laws of respondent No.2/complainant, seek quashing of case FIR No. 261/2010 dated 28.08.2010 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Tilak Nagar, New Delhi.



2. The petition is premised on Settlement Deed dated 01.03.2023 ('Settlement Deed') arrived at through mediation before the Delhi Mediation Centre, Tis Hazari District Courts, Delhi; and Divorce Decree dated 14.03.2024, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby petitioner No.1 and respondent No.2 had sought dissolution of their marriage by mutual consent.
3. The petition is supported by affidavits of the petitioners alongwith proof of their I.D.s.
4. The petitioners as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
5. Upon being queried, the parties inform the court, that one child, by name Piyush Verma, was born from the wedlock, who is minor as of date.
6. No appeal is stated to have been filed from the divorce decree.
7. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 1,25,000/- from petitioner No. 1; out of which Rs. 1,00,000/- was paid earlier and Rs.25,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.



8. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. In the circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
10. Though as per the settlement deed signed by them, the parties have agreed that the custody of their minor son, Master Piyush Verma, is to remain with respondent No. 2 (mother), it is clarified that such agreement will not affect the rights of the child to interact and engage with his father (petitioner No. 1), as he may decide, subject to logistical convenience of the parties.
11. Subject to the above, FIR No. 261/2010 dated 28.08.2010 registered under sections 498-A/406/34 IPC at P.S.: Tilak Nagar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Needless to add that the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the property rights and other rights of the minor child, namely Piyush Verma *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
13. Petition stands disposed-of.



14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 27, 2024/ak