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

+ **CRL.M.C. 7957/2024**

DEEPANSHU AHUJA AND ORS

.....Petitioners

Through: Mr. Gaurav Kumar and Mr. Milan,
Advocates with petitioners Nos.1 to 3
in-person.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State
with SI Neelu, P.S.: Bindapur,
District- Dwarka.
Mr. Manshu Kapoor and Mr.
Harpreet Kaur Nagi, Advocates
for R-2 with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.10.2024

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.848/2021 dated 22.09.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Binda Pur, Delhi.

2. The petition is premised on Mutual Consent Compromise Deed dated 'blank' day of March 2024, attested on 16.03.2024, whereby petitioner No.1 and respondent No.2 have resolved the matter amicably.
3. Respondent No.2 is Muslim by faith and in the subject FIR, respondent No.2 has said that she had contracted *nikah* with petitioner No.1 and a *nikahnama* was also prepared. However no *nikahnama* is



on record; nor is any marriage certificate under the Special Marriage Act, 1954. By reason thereof, in the mutual consent compromise deed signed by them, the parties have said that *whatever relationship* they have shared in the past, shall stand dissolved by way of the compromise deed.

4. The petition is supported by affidavits of the petitioners, as also of respondent No.2, alongwith proof of their IDs.
5. 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.
6. Petitioner No.1 and respondent No.2 have confirmed that one child, Master Urvish, was born from the relationship, who is 'minor' as of date.
7. The court has queried respondent No.2, who confirms that the mutual consent compromise deed has been entered into between the parties; and that in full-and-final settlement of all her claims, including towards permanent alimony etc., she was to receive a sum of Rs.14,50,000/- from petitioner No.1; which entire sum has been received by herein compliance of the terms of the mutual consent compromise deed. Respondent No.2 confirms that all aspects of the settlement have now been performed.
8. Mr. Utkarsh, 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. Accordingly, case FIR No.848/2021 dated 22.09.2021 registered under sections 498-A/406/34 of the IPC at P.S.: Binda Pur, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though as per the agreement between the parties, the custody of the minor son, Master Urvish, is to remain with respondent No.2, it is clarified that such agreement will not affect the rights of the child to interact and engage with his biological father, as he may decide, subject to logistical convenience of the parties.
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 also in no way affect the property rights and other rights of the minor child *vis-à-vis* his biological 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

OCTOBER 8, 2024

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