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

+ CRL.M.C. 8099/2024

PRACHI SHARMA

.....Petitioner

Through: Mr. Anuj Ray with Mr. Gulam Ali,
Advocates.
Petitioner in court.

versus

STATE GOVT OF STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Sanya Narula,
Advocate.
I.O./W.SI Suvidya and Arti Singh,
P.S.: Najafgarh.
R2 via video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

25.10.2024

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, *who is the complainant* in the subject FIR, seeks quashing of case FIR No. 0198/2022 dated 02.04.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Najaf Garh, Delhi ('subject FIR').

2. The petition is supported by judgment dated 23.12.2023 passed by the learned Additional Principal Judge, Family Court, Gurugram, Haryana, whereby the marriage of the petitioner and respondent No.2 was dissolved.



3. In view of the peculiar circumstances obtaining in the matter, namely that the petition for quashing of the subject FIR has been filed *not* by the accused-husband *but* by the complainant-wife, and the fact that despite the serious allegations contained in the subject FIR, the wife has chosen to leave their young daughter, about 14 years of age, with the accused-husband, this court had considered it appropriate to have an in-chambers interaction with the daughter.
4. The daughter of the parties is present in court along with her paternal grandmother, her mother (the petitioner) and the Investigating Officer.
5. The court has had a detailed in-chambers interaction with all present, in particular with the daughter.
6. After the interaction, this court is satisfied that the daughter is residing with her father of her own free will and volition; and she appears to be well-settled and happy in that household. The daughter is under the oversight and care of her paternal grandmother, with whom her father and she reside. She appears to be engaging in activities that are usual and normal for a child her age, including attending school.
7. The court has also interacted with respondent No.2 (father) on a video-call. He says that though his daughter is presently residing with him, he has no objection if the daughter would want to meet her mother; and that he would facilitate such meetings.
8. Though there are other accused person named in the subject FIR who have not been impleaded as parties to the present petition, the petitioner-complainant *categorically* states that she does not wish to pursue any further proceedings in the subject FIR *against any of the accused persons*.



9. Mr. Sanjeev Sabharwal, learned APP appearing on behalf of the State confirms that the State has no objection to the subject FIR being quashed.
10. 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 circumstances of the case, 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.
11. Accordingly, FIR No. 0198/2022 dated 02.04.2022 registered under sections 498-A/406/34 IPC at P.S.: Najaf Garh, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. It is made clear that though, at present the daughter of the petitioner and respondent No.2 is residing with her father (respondent No.2) and her paternal grandmother, nothing in this order shall affect the rights of the minor daughter to meet her mother (petitioner), if and when she so desires, subject to logistical convenience of the parties and respondent No. 2 shall facilitate such meetings.
13. Petition stands disposed-of, in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 25, 2024/ds