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

+ **CRL.M.C. 8216/2024**

AMIT CHANDILA @ RINKU & ORS.Petitioners

Through: Counsel (appearance not given).

versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State.

SI Deependra, P.S.: Sonia Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.10.2024**

CRL.M.A. 31385/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8216/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 read with Article 227 of the Constitution of India, the petitioners seek quashing of case FIR No. 317/2016 dated 02.09.2016 registered under sections 498-A/406 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sonia Vihar, Delhi.

2. The petition is premised on Settlement Deed dated 26.11.2021 arrived at through mediation before the Counselling Cell, Family Courts, Karkardooma, Delhi; and Divorce Decree dated 02.01.2023, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.



3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of petitioners' IDs.
4. The petitioners (except petitioner No.2) 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.
5. The parties have confirmed that one child, *viz.* Vidhi, 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. 2,00,000/-from petitioner No. 1; out of which Rs. 1,00,000/- was paid earlier and Rs.1,00,000/- 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. Sanjeev Sabharwal , 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, FIR No. 317/2016 dated 02.09.2016 registered under sections 498-A/406 IPC at P.S.: Sonia Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though as per the settlement between the parties, the custody of the minor daughter is to remain with respondent No.2, it is clarified that such an agreement will not affect the rights of the child to interact and engage with her father, as she 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, namely Vidhi, *vis-à-vis* her 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 18, 2024/ak