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

+ **CRL.M.C. 8301/2024**

DEVENDER SHARMA AND ORS

.....Petitioners

Through: Mr. Ashish Sehrawat with Mr. Nikhil Yadav, Mr. Kapil Yadav, Mr. Ravi, Mr. Prashant Sharma and Mr. Abhinav, Advocates.
Petitioners Nos. 1 to 3 and 5 to 7 in court.

versus

THE STATE OF DELHI AND ANOTHER

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Sanya Narula, Advocates.
SI Rashmi, P.S.: Dabri and SI Bhagwan Singh, P.S.: Chhawla.
Ms. Divya, Advocate for R2 with R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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21.10.2024

CRL.M.A. 31717/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL. M.C. 8301/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and in-laws of the complainant/respondent No.2, seek quashing of case FIR No.196/2018 dated 24.04.2018 registered under sections 498-A/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Dabri, New Delhi.



2. The petition is premised on Settlement dated 18.05.2022 signed between the parties under the aegis of the Counselling Cell, Family Courts, Tis Hazari, Delhi; and Divorce Decree dated 21.11.2023, 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 their IDs.
4. The petitioners Nos.1 to 3 and 5 to 7 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. Respondent No.2 has also been identified by the Investigating Officer. Petitioner No. 4 has also joined *via* video-conferencing; however there appears to be some electronic glitch in the connection.
5. The parties have confirmed that one child, *viz.* Diksha Gaur, 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 agreement has been signed 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 agreement.



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, case FIR No.196/2018 dated 24.04.2018 registered under sections 498-A/34 of the IPC at P.S.: Dabri, New Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though as per the settlement agreement signed by the parties, the minor daughter, Diksha Gaur, is presently residing with respondent No. 2 (mother) and the parties say that as per their agreement the custody of the child 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 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 *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 21, 2024

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