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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8351/2024**
CHANDRASHEKHAR UPADHYAY & ORS.Petitioners
Through: Mr. Aayush, Advocate *via* video-conferencing.

versus

THE STATE NCT OF DELHI AND ANR.Respondents
Through: Mr. Sanjeev Sabharwal, APP for the State.
Mr. Rakesh Tiwari, Mr. Shiv Kumar Yadav advocates for R-2 along with R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
22.10.2024

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CRL.M.A. 31894/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 31950/2024

By way of the present application filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the petitioners seek condonation of delay in *re-filing* the present petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the present petition is condoned.
4. The petition is taken on Board.
5. The application stands disposed-of.



CRL.M.C. 8351/2024

6. 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. 425/2022 dated 26.07.2022 registered under sections 498-A/506/34 of the Indian Penal Code, 1860 at P.S.: Dayalpur, Delhi.
7. The petition is premised on Mediated Settlement dated 27.10.2023 arrived at through mediation before Delhi Mediation Centre, Karkardooma Courts, Delhi; and Divorce Decree dated 25.04.2024, 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.
8. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
9. 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.
10. The parties have confirmed that no child was born from the wedlock.
11. No appeal is stated to have been filed from the divorce decree.
12. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a mediated settlement 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. 7,00,000/- from



petitioner No. 1; out of which Rs. 4,00,000/- was paid earlier and Rs.3,00,000/- has been paid in court today, in compliance of the terms of the mediated settlement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

13. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
14. 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.
15. Accordingly, FIR No. 425/2022 dated 26.07.2022 registered under sections 498-A/506/34 IPC at P.S.: Dayalpur, Delhi is quashed. All proceedings arising therefrom also stand closed.
16. Petition stands disposed-of.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 22, 2024/ss