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

+ **W.P.(CRL) 3352/2024**

ABHISHEK MAKKAR & ANR.

.....Petitioners

Through: Mr. Dinesh Malik with Mr. Manish Malik, Advocates.
Petitioner No.1 in court and Petitioner No.2 *via* video-conferencing.

versus

**THE STATE THROUGH SHO PS NABI KARIM DELHI POLICE
DELHI & ANR.**

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates.
SI Pradeep Raj Singh, P.S.: Nabi Karim.
Mr. Puneet Jain and Mr. Lavish Arora, Advocates with respondent No.2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.10.2024

CRL.M.A. 32241/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 3352/2024

By way of the present petition filed under section Articles 226 and 227 of the Constitution of read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and mother-in-law of the complaint/respondent No.2, seek quashing of case FIR No.0347/2023 dated 26.07.2023 registered



under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Nabi Karim, Delhi.

2. The petition is premised on Memorandum of Understanding dated 21.08.2024 ('MoU') signed between petitioner No.1 and respondent No.2; and Divorce Decree dated 25.09.2024, 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.
3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
4. Petitioner No.1 and respondent No. 2 are present in court; and petitioner No.2 has joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
5. The parties have confirmed that no child was born from the wed-lock.
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 the MoU has been signed between her and petitioner No.1; 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. 4,00,000/- from petitioner No. 1; out of which Rs. 2,00,000/- was paid earlier and Rs. 2,00,000/- has been paid in court today, in compliance of the terms of their settlement. Respondent No. 2 confirms that all aspects of the MoU have now been performed.



8. Mr. Yasir Rauf Ansari, learned ASC appearing on behalf of the State 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 MoU between petitioner No.1 and respondent No.2, 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.0347/2023 dated 26.07.2023 registered under sections 498-A/406/34 IPC at P.S.: Nabi Karim, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 25, 2024/ak