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

+ **W.P.(CRL) 3366/2024**

MOHD. IMTIAZ & ORS.

.....Petitioners

Through: Mr. M. Hasibuddin, Advocate with
petitioners in-person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel.
SI Archana, P.S.: Mehrauli.
Mr. Sourav Ghosh, Advocate for R-2
with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.10.2024

CRL.M.A. 32411/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 3366/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.701/2022 dated 24.12.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mehrauli, Delhi.



2. The petition is premised on mediated settlement dated 13.06.2023 arrived at through mediation before the Mediation Centre, Saket Courts, New Delhi.
3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
4. The petitioner No.1 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. Petitioners Nos.2 to 5 are not present in court nor have they joined the proceedings *via* video-conferencing. Mr. M. Hasibuddin, learned counsel appearing for the petitioners submits that they do not have the wherewithal and the facilities to do so.
6. Be that as it may, considering that petitioner No.1 and respondent No.2 are residing together alongwith their 03 children, 02 of whom have been born prior to the registration of the FIR and 01 thereafter, this court does not deem it necessary to call for the presence of the other petitioners.
7. The parties are stated to have resolved all their disputes amicably and in view of the settlement, respondent No.2 has re-joined the company of petitioner No.1 and they have been living together, alongwith their 03 children.
8. Mr. Sanjay Lao, learned Standing Counsel 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.701/2022 dated 24.12.2022 registered under sections 498-A/406/34 of the IPC at P.S.: Mehrauli, 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