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

+ **CRL.M.C. 8546/2024 and CRL.M.A. 32600/2024**

PAWAN DABAS & ORS.

.....Petitioners

Through: Mr. Roshan Santhalia and Mr. Prateek Charan, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

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

SI Ridhima, P.S.: Model Town.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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28.10.2024

CRL.M.A. 32601/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8546/2024

By way of the present petition filed under section 530 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 281/2019 dated 09.08.2019 registered under sections 498-A/341/323/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Model Town, Delhi.

2. The petition is premised on Settlement/Agreement dated 02.09.2019 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi.
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 as well as respondent No. 2 have joined *via* conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. The parties have confirmed that two children, viz. Miss Arishka Dabas and Master Kirat Vir Dabas, were born from the wedlock, who are 'minor' as of date.
6. 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 since 2019; and they have been living together since, alongwith their children.
7. The court has queried respondent No.2, Ms. Shweta Singh Deswal, who confirms a settlement deed has been signed between the parties and that she has now resumed cohabitation with petitioner No.1/ husband and their minor children.
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. While allowing the petition however, this court considers it appropriate, that by way of atonement and for continuing to keep the State machinery engaged even 05 years after having settled the matter, the petitioners all-together shall pay costs of Rs.25,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
11. Subject to the aforesaid condition, FIR No. 281/2019 dated 09.08.2019 registered under sections 498-A/341/323/34 IPC at P.S.: Model Town, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. The petitioners are directed to place on record the proof of payment of costs within 01 week of the payment thereafter.
13. The Registry is directed to re-list the matter if costs are not paid as directed.
14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 28, 2024/ak