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

+ **CRL.M.C. 8674/2024**

RITESH CHOPRA

.....Petitioner

Through: Mr. Vikas Dudeja and Mr. Saud Khan, Advocates alongwith the petitioner.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State with SI Rishi Kant Mishra, P.S. North.

Mr. Mohit Paul and Ms. Sanjleena Lal, Advocates for R2 alongwith R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.11.2024

CRL.M.A. 33140/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8674/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, who is the former husband of the complainant/respondent No. 2, seeks quashing of case FIR No. 0210/2019 dated 24.08.2019 registered under



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

2. The petition is premised on Memorandum of Settlement dated 12.03.2024; and Divorce Decree dated 03.08.2024, which is the culmination of petitions under sections 28(1) and 28(2) of the Special Marriage Act 1954, whereby the parties had sought dissolution of their marriage by mutual consent.
3. The petition is supported by affidavits of the petitioner, as also of respondent No. 2, alongwith proof of their IDs.
4. The petitioner as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer and by their respective counsel.
5. The parties have confirmed that one child, viz. Ms. Pragya Sarin Chopra, was born from the wedlock, who is 'minor' as of date and is presently in the custody of respondent No.2.
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 memorandum of 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. 60,00,000/- from the petitioner; out of which Rs. 58,00,000/- was paid earlier and Rs. 2,00,000/- has been paid in court today, in compliance of the terms of the settlement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.



8. Ms. Shubhi Gupta, learned APP 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 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. 0210/2019 dated 24.08.2019 registered under sections 498-A/406/34 of the IPC at P.S.: Vasant Kunj North, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though clause (ix) of the memorandum of settlement records that the minor child shall remain in the custody of respondent No.2 and petitioner No.1 shall have certain visitation rights, for abundant clarity, it is observed that nothing in this order or in the memorandum of settlement would affect the right of the minor child to meet her father, if and when she so desires, 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 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. The petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 5, 2024

V.Rawat