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

+ **CRL.M.C. 8683/2024**

SONU @ SONU KUMAR & ORS.

.....Petitioners

Through: Mr. Prabhat Singh Rana, Advocate
with petitioners via video-
conferencing.

versus

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

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Renu, P.S.: Gokulpuri.
Mr. Anil Mishra, Advocate for R2
with R2 via video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.11.2024

CRL.M.A. 33185/2024

Exemption granted, subject to just exceptions..

The application stands disposed-of.

CRL.M.C. 8683/2024

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. 54/2021 dated 16.02.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and section 4 of the Dowry Prohibition Act, 1961 at P.S.: Gokul Puri, Delhi.

2. The petition is premised on Compromise Deed dated 06.02.204; and Divorce Decree dated 27.07.2024, 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. All contesting parties alongwith their counsel have joined *via* video-conferencing. Their credentials have been verified and they have also been identified by the Investigating Officer.
5. The parties have confirmed that one child, *viz.* Yatika Kashyap, was born from the wedlock, who is minor as of date.
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 compromise deed 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.4,00,000/- from petitioner No. 1; out of which Rs.3,00,000/- was paid earlier and Rs.1,00,000/- has been paid in court today, in compliance of the terms of the compromise deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Mr. Utkarsh, 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. Accordingly, FIR No. 54/2021 dated 16.02.2021 registered under sections 498-A/406/34 IPC and section 4 of the Dowry Prohibition Act, 1961 at P.S.: Gokul Puri, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though the compromise deed also records that the minor child shall remain in the custody of respondent No.2 and petitioner No.1 shall have the right to visit her once a month with prior intimation and permission of respondent No. 2, it is made clear that nothing in the compromise deed 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. Petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 6, 2024/ds