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

+ **CRL.M.C. 8988/2024**

NITIN CHANANA & ORS.

.....Petitioners

Through: Mr. Lovish Sharma, Mr. Faisal Zafar,
Mr. Gobind Malhotra and Mr.
Gurpreet Singh, Advocates.

versus

**STATE OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY
& ANR.**

.....Respondents

Through: Ms. Manjeet Arya, APP for the State.
SI Birendra Singh, P.S.: Lajpat
Nagar.
Mr. Vinod Gupta, Mr. Nitish
Chaudhary and Mr. Shaurya Aditya
Singh, Advocates for R-2 with R-2
in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **18.11.2024**

CRL.M.A. 34402/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8988/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.420/2021 dated 02.11.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Lajpat Nagar, New Delhi. Consequent upon completion of investigation, the offence under section 377 of the IPC was added *vide* charge-sheet dated 07.02.2023.



2. The petition is premised on Settlement Agreement dated 24.08.2024 arrived at through mediation before the Delhi Mediation Centre, Patiala House Court, New Delhi; and Divorce Decree dated 14.10.2024, 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. Petitioners Nos.1 to 3 as well as respondent No. 2 are present in court; and petitioners Nos.4 and 5 have joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
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 a settlement agreement 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.12,50,000/- from petitioner No.1; out of which Rs.8,00,000/- was paid earlier and Rs.4,50,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No.2 confirms that all aspects of the settlement have now been performed.
8. Mr. Manjeet Arya, 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.420/2021 dated 02.11.2021 registered under sections 498-A/406/34 of the IPC at P.S.:Lajpat Nagar, New 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

NOVEMBER 18, 2024/ak