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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 9109/2024**  
**PRADEEP CHIKARA ALIAS PRADEEP AND ORS. ....Petitioners**

Through: Mr. Santosh Kumar and Mr. B.K.  
Kataria, Advocates.

versus

**THE STATE GOVT. OF NCT OF DELHI AND ANR.**  
.....Respondents

Through: Mr. Hitesh Vali, APP for the State  
with SI Mohit Kumar, P.S. S.B.  
Dairy.  
Md. Akram and Md. Talib, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**  
**21.11.2024**

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**CRL.M.A. 34915/2024 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed of.

**CRL.M.A. 34916/2024 (for condonation of delay in re-filing)**

By way of the present application, applicants/petitioners seek  
condonation of about 41 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by  
an affidavit, the delay in *re-filing* the petition is condoned.
3. The application for condonation of delay is allowed.
4. The petition is taken on Board.
5. Application stands disposed-of.



**CRL.M.C. 9109/2024**

6. By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners, who are the former husband and in-laws of the complainant/respondent No.2, seek quashing of case FIR No.848/2017 dated 23.11.2017 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Shahbad Dairy, Delhi.
7. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain but meaningful reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "*any appeal, application, trial, inquiry or investigation*", were already ***pending*** immediately before the date on which the BNSS came into force, i.e., 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings; and to therefore not change the governing law during the pendency of such proceedings.
8. Since the present petition is a fresh proceeding and has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
9. The petition is premised on Settlement Agreement dated 21.02.2023 arrived at through mediation before the Delhi High Court Mediation



& Conciliation Centre; and Divorce Decree dated 02.12.2023, 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.

10. The petition is *inter-alia* supported by an affidavit filed by respondent No. 2, alongwith proof of IDs of the parties.
11. The petitioners 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.
12. The parties have confirmed that one child, *viz.* Aarush, was born from the wed-lock, who is minor as of date.
13. No appeal is stated to have been filed from the divorce decree.
14. 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.22,00,000/-from petitioner No.1; out of which Rs.17,00,000/- was paid earlier and Rs.5,00,000/- has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No.2 confirms that all aspects of the settlement have now been performed.
15. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
16. 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.

17. Accordingly, FIR No.848/2017 dated 23.11.2017 registered under sections 498-A/406/34 of the IPC at P.S.: Shahbad Dairy, Delhi is quashed. All proceedings arising therefrom also stand closed.
18. Though the settlement agreement also records that the minor child shall remain in the custody of respondent No.2 and petitioner No.1 and his family shall have no visitation rights, it is made clear that nothing in this settlement agreement would affect the right of the minor child to meet his father, if and when he so desires, subject to logistical convenience of the parties.
19. 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, namely Aarush *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
20. Petition stands disposed-of.
21. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**NOVEMBER 21, 2024**

*V.Rawat*