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

+ **CRL.M.C. 9593/2024**

SH. GAGAN SHARMA & ORS.

.....Petitioners

Through: Mr. Pankaj Buragohain, Advocate.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

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

SI Radha Sharma, P.S.: CWC, Nanak Pura, New Delhi.

Mr. M. Khan, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.12.2024

CRL.M.A. 36813/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 9593/2024

By way of the present petition filed under section 528 of the Code of Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.18/2020 dated 05.10.2020 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Crime (Women) Cell Nanak Pura, Delhi. Consequent upon completion of investigation, charge-sheet dated 24.01.2022 has been filed in the matter.

2. The petition is premised on Settlement dated 16.05.2024 arrived at through mediation before the Delhi Mediation Centre, Karkardooma Courts, Delhi; and Divorce Decree dated 07.10.2024, 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. 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.
5. The parties have confirmed that one child, viz. Jivyanish Sharma, was born from the wed-lock, 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 mediated 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.10,50,000/- from petitioner No.1; out of which Rs.7,00,000/- was paid earlier and Rs.3,50,000/- 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. 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. Accordingly, FIR No.18/2020 dated 05.10.2020 registered under sections 498-A/406/34 of the IPC at P.S.: Crime (Women) Cell Nanak Pura, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Though the settlement deed records that the minor child shall remain in the custody of respondent No.2 and petitioner No.1 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 the 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, namely Jivyansh Sharma *vis-à-vis* his father, as may be available under law, in any manner whatsoever.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 6, 2024/ak