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

+ **CRL.M.C. 9640/2024**

TRIPAT WADHWA & ORS.

.....Petitioners

Through: Mr. Irshad A. Siddqui and Mr. Ishan
Thakur, Advocates with Petitioners
Nos.1 to 4 in-person.

Versus

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

Through: Mr. Hitesh Vali, APP for the State.
SI Manish, PS Budh Vihar, SI
Deepak, PS Budh Vihar

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.12.2024**

CRL.M.A. 37011/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 37012/2024 (condonation of re-filing delay)

By way of the present application filed under section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioners/applicants seek condonation of 69 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the petition is condoned.
4. The petition is taken on Board.



5. The application stands disposed-of.

CRL.M.C. 9640/2024

6. By way of the present petition filed under section 528 of the BNSS, the petitioners, who are the former husband and in-laws of the complainant/respondent No.2, seek quashing of case FIR No. 0196/2021 dated 22.06.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Budh Vihar, Delhi.
7. The petition is premised on Memorandum of Understanding dated 26.10.2023 ('MoU'); and judgment dated 09.11.2023 passed by the learned Principal Judge, Family Court, Rohini District Courts, which dissolved the marriage between petitioner No. 1 and respondent No.2 as a 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.
8. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.
9. All petitioners, except petitioner No. 5, are present in court, since the said petitioner is stated to be indisposed. Respondent No.2 has also joined the proceedings *via* video-conferencing. Their credentials have been verified and they have been identified by the Investigating Officer.
10. The parties have confirmed that no child was born from the wed-lock.
11. No appeal is stated to have been filed against the judgment granting divorce on mutual consent.
12. The court has interacted with respondent No.2, who has confirmed that she has entered into the compromise contained in the MoU and



that she has taken divorce by mutual consent. Respondent No.2 confirms that all the aspects of the MoU have been performed.

13. Upon being specifically asked, respondent No.2 states that she does not wish to receive any alimony or maintenance or any other amount from petitioner No. 1.
14. Mr. Hitesh Vali, learned APP appearing on behalf of the State confirms that the State has no objection to the subject FIR being quashed.
15. 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.
16. Accordingly, case FIR No. 0196/2021 dated 22.06.2021 registered under sections 498-A/406/34 IPC at P.S.: Budh Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
17. The petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 9, 2024

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