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

+ CRL.M.C. 9663/2024

SAURABH BATRA & ANR.

.....Petitioners

Through: Mr. Vipin Dilwari with Mr. Hemant Pathak, Advocates and petitioners in court.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State.
SI Dilsukh, D-6605, PS KNK Marg
R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.12.2024**

CRL.M.A. 37105/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 9663/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the husband and mother-in-law of the complainant/respondent No.2, seek quashing of case FIR No. 440/2017 dated 26.09.2017 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: K. N. Katju Marg, Rohini Delhi.

2. The petition is premised on Affidavit dated 20.11.2024 signed by respondent No.2, whereby it is stated that the petitioners and respondent No. 2 have resolved the matter amicably.



3. The petition is also supported by affidavits of the petitioners alongwith proof of IDs of the contesting parties.
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. At the outset, learned counsel appearing for the petitioners submits, that though the subject FIR had also been filed against one Devender Batra/father-in-law of respondent No.2, by reason of the father-in-law having passed away on 29.01.2020 he has not been impleaded as party to the present petition. A copy of the death certificate of the father-in-law has been appended to the petition.
6. The parties have confirmed that one child, viz. Master Himaksh Batra, was born from the wedlock, who is minor as of date.
7. The parties are stated to have resolved all their disputes amicably and that respondent No.2 has re-joined the company of petitioner No. 1 sometime in February 2018 and they have been living together since, alongwith their minor son.
8. Upon being queried as to the reason for the delay in filing the present petition, respondent No.2 states that the family had suffered two bereavements in the intervening period, apart from the fact that time was lost by reason of the then prevailing pandemic.
9. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
10. 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.

11. Accordingly, FIR No. 440/2017 dated 26.09.2017 registered under sections 498-A/406/34 IPC at P.S.: K. N. Katju Marg, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 10, 2024
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