



\$~83

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

+ **CRL.M.C. 9669/2024**

DINESH KUMAR GULIA & ORS.Petitioners

Through: Mr. Madhav Choudhory and Mr.
Sandeep Shokeen, Advocates.
Petitioners in court.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Dharamveer, P.S.:
Chhawla.
Ms. Vandana Shrama, Advocate for
R2 via video-conferencing with R2 in
court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

10.12.2024

CRL.M.A. 37117/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 9669/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 317/2021 dated 10.07.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Chhawala, Delhi.



2. The petition is premised on Memorandum of Understanding dated 11.10.2023; and Divorce Decree dated 03.05.2024, 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. Master Heyansh, was born from the wedlock, 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 memorandum of understanding 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.4,00,000/- from petitioner No. 1; out of which Rs. 3,00,000/- was paid earlier and Rs.1,00,000/- has been paid in court today, in compliance of the terms of the memorandum of understanding. 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. 317/2021 dated 10.07.2021 registered under sections 498-A/406/34 IPC at P.S.: Chhawala, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. It is however clarified, that contrary to what has been recorded in clause 3 of Memorandum of Understanding dated 11.10.2023, petitioner No.1 agrees that though the custody of the minor child shall remain with him, he would permit respondent No.2 (the mother) to meet the child at least once a month at a time and place of convenience of the parties. It is further clarified that nothing in the memorandum of understanding between the parties would affect the right of the minor child to meet his mother, as and when he so desires, subject to 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 *vis-à-vis* his parents, 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 10, 2024

ds