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

+ **CRL.M.C. 9756/2024**

DEEPANKER KHARYAL AND ORS

.....Petitioners

Through: Mr. S.K. Siwal, Advocate.
Petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with ASI Ravinder Kumar.
Mr. Nivesh Sharma, Ms. Ritu Singh
and Ms. Ratika Sharma, Advocates
for respondent No.2.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **12.12.2024**

CRL.M.A. 37414/2024(exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 9756/2024

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. 0585/2022 dated 14.07.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Burari, Delhi ('subject FIR').



2. The petition is premised on Mediated Settlement dated 19.10.2023 arrived at through mediation before the Delhi Mediation Centre, Tis Hazari District Courts, Delhi; and Divorce Decree dated 09.09.2024, 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 the Investigating Officer and their respective counsel.
5. The parties have confirmed that one child, viz. Bhavik, 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 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. 12,50,000/- from petitioner No. 1; out of which Rs. 8,50,000 /- was paid earlier and Rs. 4,00,000/- has been paid in court today, in compliance of the terms of the settlement deed. Respondent No. 2 confirms that all aspects of the settlement have now been performed.



8. Mr. Sanjeev Sabharwal, learned APP appearing on behalf of the State 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. 0585/2022 dated 14.07.2022 registered under sections 498-A/406/34 IPC at P.S.: Burari, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. It is clarified, 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 Bhavik vis-à-vis both his parents, as may be available under law, in any manner whatsoever.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 12, 2024

V.Rawat