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

+ CRL.M.C. 9856/2024 and CRL.M.A. 37769/2024

ARSHAD AHMAD AND ORS

.....Petitioners

Through: Mr.Ankit Dagar and Mr.Rahul Kumar
Sharma, Advocate

versus

STATE AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
with SI Sangeeta, PS S.B. Dairy

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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16.12.2024

CRL.M.A.37769/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

Crl. M.C. 9856/2024

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. 294/2022 dated 26.04.2022 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Shahbad Dairy, Delhi.

2. The petition is premised on Memorandum of Understanding/Settlement Deed dated 04.10.2024; and Divorce Decree dated 28.10.2024, whereby the parties have dissolved their marriage by mutual consent (Mubarat).



3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs. 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.
4. The court is informed that though petitioner No. 1's mother is named in the FIR, she is not party to the present proceedings since she has passed-away.
5. The parties have confirmed that no child was born from the wedlock.
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 (Mubarat); that a settlement deed has been entered into between the parties; and that in full-and-final settlement of all her claims including towards mehr, maintenance (past, present and future), stridhan, dowry articles, jewellery, permanent alimony, etc. she was to receive a sum of Rs. 2,80,000/- from petitioner No. 1; out of which Rs. 1,40,000/- was paid earlier and Rs. 1,40,000/- 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. Hitesh Vali, 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. 294/2022 dated 26.04.2022 registered under sections 498-A/406/34 IPC at P.S.: Shahbad Dairy, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 16, 2024
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