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

+ **CRL.M.C. 9883/2024**

**SHAHEER MANNAN & ORS.**

.....Petitioners

Through: Mr. Mohit Kumar, Advocate.

Petitioner No.1 in-person.

Petitioners Nos.2 to 5 via video-conferencing.

versus

**THE STATE OF NCT OF DELHI & ANR.**

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State.

SI Priya, P.S.: Darya Ganj.

Mr. Faizan Ahemed Khan, Advocate for R-2 with R-2 in-person.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **17.12.2024**

**CRL.M.A. 37979/2024 (exemption)**

Exemption granted, subject to just exceptions.

The application stands disposed-of.

**CRL.M.C. 9883/2024**

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.24/2021 dated 18.01.2021 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Darya Ganj, Delhi.

2. The petition is premised on Memorandum of Agreement dated 21.11.2024 signed between the parties.
3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proof of their IDs.



4. Petitioner No.1 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. Petitioners Nos.2 to 5 have joined the proceedings *via* video-conferencing.
5. The parties have confirmed that no child was born from the wed-lock.
6. The parties have placed on record a certificate of Khula Divorce dated 21.11.2024 stated to have been issued by the Muhammadan Registrar & Kazi, Government of West Bengal, P.S.: Jorasanko, Kolkata, which records that the parties have divorced each other.
7. Be that as it may, in view of the decision of a Division Bench of this court in MAT. APP. (F.C.) No.37/2023 dated 07.11.2024, this court does not express any view, either one way or the other, on the validity of that divorce.
8. The court has queried respondent No.2, who confirms that a memorandum of agreement has been signed between the parties. Respondent No.2 also confirms that all aspects of the memorandum of agreement have now been performed.
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.24/2021 dated 18.01.2021 registered under sections 498-A/406/34 of the IPC at P.S.: Darya Ganj, 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 17, 2024/ak**