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

+ **W.P.(CRL) 4000/2024**

SHRI DARPAN OBEROI AND ORS.Petitioners

Through: Mr. Nitin Kalra, Advocate.
Petitioners in-person.

versus

THE STATE (NCT OF DELHI) AND ANR.Respondents

Through: Mr. Anand V. Khatri, ASC (Criminal)
for the State.

SI Rajesh Kumar, P.S.: Vijay Vihar.

Mr. Aviral Tomar, Advocate for R-2
with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.12.2024**

CRL.M.A. 38609/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 4000/2024

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. 0085/2021 dated 02.03.2021 registered under sections 498-A/406/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Vijay Vihar, Delhi.

2. The petition is premised on Settlement Agreement dated 14.02.2024 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi; and Divorce Decree dated 09.08.2024, 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 by their respective counsel.
5. The parties have confirmed that no child was born from the wed-lock.
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 a settlement agreement has been signed 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. 8,35,000/- from petitioner No. 1; out of which Rs. 6,00,000/- was paid earlier and Rs. 2,35,000/- has been paid in court today, in compliance of the terms of the settlement agreement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.
8. Mr. Nitin Kalra, learned counsel appearing on behalf of the petitioners informs the court, that there was another accused – Parveen Sodi – in the subject FIR. However, she was placed in column 12 of the chargesheet filed in the matter and was never sent-up for trial; and that therefore she has not joined as a party to the present petition.



9. Mr. Anand V. Khatri, learned ASC (Criminal) appearing on behalf of the State 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. 0085/2021 dated 02.03.2021 registered under sections 498-A/406/506/34 IPC at P.S.: Vijay Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 20, 2024/ak