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

+ **CRL.M.C. 10255/2024**

YOGESH

.....Petitioner

Through: Mr. Sunny Chauhan, Ms. Anju and
Mr. Ajay Sharma, Advocates.
Petitioner in-person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State.
SI Nisha, P.S.: Vasant Vihar, Delhi.
Mr. Shafik Ahmed, Advocate for R-2.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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24.12.2024

CRL.M.A. 39319/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 10255/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 239/2014 dated 18.03.2014 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 at P.S.: Vasant Vihar, Delhi. Consequent upon completion of investigation, charge-sheet dated 04.02.2019 has been filed under sections 498-A/406/34 IPC and sections 3/4 of the Dowry Prohibition Act, 1961.

2. The petition is premised on Settlement Deed dated 10.12.2019 arrived at through mediation before the Counselling Cell, Family Court,



Patiala House, New Delhi; and Divorce Decree dated 29.04.2024, 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 petitioner as well as respondent No. 2 is present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. The parties have confirmed that one child, *viz.* Aaniya, was born from the wedlock, who is minor as of date.
5. No appeal is stated to have been filed from the divorce decree.
6. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed 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. 12,00,000/- from petitioner No. 1; out of which Rs. 9,00,000/- was paid earlier and Rs. 3,00,000/- 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.
7. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. 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.

9. Accordingly, FIR No. 239/2014 dated 18.03.2014 registered under sections 498-A/406/34 IPC at P.S.: Vasant Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. Though under the terms of Settlement Deed dated 10.12.2019, the petitioner/father is to have no visitation rights *vis-a-vis* his minor child, upon being queried, respondent No.2/mother states that she has no objection if the father wishes to meet the minor child. The statement is taken on record. It is also made clear that nothing in this settlement agreement would affect the right of the minor children to meet her father, if and when she so desires, subject to logistical convenience of the parties.
11. 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, namely Aaniya *vis-à-vis* her father, as may be available under law, in any manner whatsoever.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 24, 2024/ak