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

+ **W.P.(CRL) 4075/2024, CRL.M.A. 39242/2024**

SUNNY SHARMA & ORS.

.....Petitioners

Through: Mr. Karan Kakkar and Ms. Shaini,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Y.R.Ansari, ASC for the State.
Mr. Sandeep Kumar, Adv. for R2.
SI Shamsher Singh, P.S. S. Pur.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

24.12.2024

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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. 647/2021 dated 23.08.2021 registered under sections 498-A/406/506/323/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ranhola, Delhi.

2. The petition is premised on Settlement Agreement dated 24.08.2023 arrived at through counselling before the Counselling Cell, Family Courts, Tis Hazari, Delhi; and Divorce Decree dated 22.02.2024, 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 their respective counsel.
5. The parties have confirmed that 01 child, viz. Myra, 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 settlement agreement 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. 9,50,000/- from petitioner No. 1; out of which Rs. 6,00,000/- was paid earlier and Rs.3,50,000/- 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. Y.R. Ansari, learned ASC 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. 647/2021 dated 23.08.2021 registered under sections 498-A/406/506/323/34 IPC at P.S.: Ranhola, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Regardless of what is recorded in the settlement agreement, in the course of hearing the parties agree that the petitioner No.1 shall have visitation rights to his minor daughter, who is in the custody of respondent No.2, subject to logistical convenience of the parties. It is further made clear that nothing in this settlement agreement would affect the right of the minor child to meet her father, if and when she so desires, subject to logistical convenience of the parties.
12. 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, *vis-à-vis* her father, as may be available under law, in any manner whatsoever.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 24, 2024

V.Rawat