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

+ **CRL.M.C. 4050/2025**

SUMIT KHURANA AND ORS

.....Petitioners

Through: Appearance not given.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Vijay Pal Singh, PS CWC
Nanakpura.
R-2 in person through VC.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.05.2025

CRL.M.A. 17597/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 4050/2025

3. The Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners for quashing of FIR No.71/2010 dated 13.05.2010 under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*), registered at Police Station CWC Nanakpura and all the proceedings emanating therefrom.
4. Issue Notice.



5. Mr. Utkarsh, learned APP appearing on advance Notice, accepts Notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between Petitioner No. 1 and Respondent No. 2 on 19.04.2007, according to the Hindu rites and ceremonies and one child, namely, Master Harshit Khurana was born out of the said wedlock.
7. It is further submitted that on the complaint of the Respondent No. 2, an FIR No.71/2010 dated 13.05.2010 under Sections 498A/406/34 IPC, was registered at Police Station CWC Nanakpura.
8. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024. In terms of the Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024, the Statements of the parties have already been recorded before the Joint Registrar of this Court. In the Addendum to Settlement Deed dated 02.12.2024, it was *inter alia* settled between the parties that the Respondent No. 2/wife and the Petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that the Petitioner No.1/husband shall execute a Transfer Deed of the property bearing No.M-4, 3rd Floor, Old Double Storey, Lajpat Nagar-IV, New Delhi-110024 in the name of Respondent No.2 where Respondent No.2 has been residing.
9. Respondent No.2, who is present in Court through video conferencing submits that the terms of Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024 have been complied with and the property has been transferred in her name.



10. As per the said Addendum to Settlement Deed dated 02.12.2024, it is agreed between the parties that the child Master Harshit Khurana shall be in the custody of Respondent No.2 i.e. his mother.

11. It is also stated that on 25.01.2025, the marriage between the Petitioner No. 1 and the Respondent No. 2, had been dissolved as per the Hindu law.

12. In view of the Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024, the present Petition has been filed.

13. The parties are present before this Court in-person today and have been identified by their learned counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

14. The parties have undertaken to remain bound by the terms of the Settlement.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

16. The present Petition has been signed by the Petitioner No.1 and is supported by his Affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024 and they also submit that the said Settlement Deed dated 01.02.2022 and Addendum to Settlement Deed dated 02.12.2024 has been arrived at between the parties, without any pressure and coercion.

17. Today, the Respondent No. 2/wife, who is present in the Court



through video conferencing, states that the terms of the Settlement have been complied with by Petitioner No.1 and she has no objection if the FIR is quashed.

18. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

19. Moreover, there is no legal impediment in quashing the aforesaid FIR in question. The custody of the child has been agreed to remain with the Respondent No.2.

20. Accordingly, FIR No.71/2010 dated 13.05.2010 under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed. However, it is clarified that the said Settlement is without prejudice to the rights of the minor, in accordance with law.

21. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 30, 2025

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