

# Preet Pal Singh & Anr vs State (Nct Of Delhi & Anr on 2 June, 2022)

**Author: Sudhir Kumar Jain**

**Bench: Sudhir Kumar Jain**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 2726/2022 & CRL.M.A. 11290/2022  
PREET PAL SINGH & ANR.

Through: Mr. Shrey Tanwar, Ms. Pr  
Advocate for P-1 with P-  
Mr. Ajeet Kaur, Advocate  
with P-2 in person

versus

STATE (NCT OF DELHI & ANR.

Through: Mr. Ashok Kr. Garg, APP  
SI Anuj Singh, P.S. Tila  
Mr. Gurvinder Pal Singh,  
Kumar Roy, Advocate for  
person

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN  
ORDER

% 02.06.2022

1. The present petition is filed under section 482 of Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C) for quashing of FIR bearing no.1524/2014 dated 09.12.2014 under sections 498A/406/34 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") registered at P.S. Tilak Nagar, Delhi.

2. Issue notice. Mr. Ashok Kr. Garg, Additional Public Prosecutor accepts notice on behalf of the respondent no.1 and Mr. Gurvinder Pal Singh, Advocate accepts notice on behalf of the respondent no.2.

3. The petitioner and the respondent no.2 got married on 10.06.2012 as per Sikhs Rites and Ceremonies at Gurudwara Singh Sabha, Sham Nagar, Vishnu Garden, Delhi-18 and out of their marriage one female child namely Prabhgun Kaur @ Harnoor Kaur was born, who is under the care and custody of the respondent no. 2. The petitioner no.2 is the mother of the petitioner no.1. The petitioner no.1 and the respondent no.2 are identified by the concerned Investigation Officer, S.I. Anuj Singh, P.S. Tilak Nagar and their respective counsel.

4. The matrimonial differences stated to be arisen between the petitioner no.1 and the respondent no.2 as a result of which they are living separately since 03.05.2013.

5. A complaint is made on 30.07.2014 against the petitioners at CAW Cell, Delhi resulting into the registration of FIR bearing no. 1524/2014 dated 09.12.2014. The charge sheet has already been filed under section 498A/406/34 IPC after completion of the investigation and trial is pending in the Court of Ms. Karuna, Metropolitan Magistrate, Mahila Court, District West, Delhi. The respondent no.2 also filed a petition under Section 12 of the Domestic Violence Act, 2005 against the petitioner, which has already been withdrawn vide order dated 04.05.2022 passed by Ms. Karuna, Metropolitan Magistrate, Mahila Court, District West, Delhi. The respondent no.2 also filed another petition under section 125 Cr.P.C. alongwith execution application against the petitioner no.1 which has already been withdrawn from the concerned Family Court, Tis Hazari, Delhi.

6. The dispute subject matter of the petition under section 125 Cr.P.C. and execution application titled as Preet Pal Singh & Anr. v. State (NCT of Delhi) & Anr. was referred for counselling by the Court of Principal Judge, Family Courts, West Tis Hazari and the petitioner no.1 and the respondent no.2 vide settlement dated 27.07.2019 have settled their disputes. It was agreed that the petitioner no.1 and the respondent no.2 shall dissolve their marriage by decree of divorce by mutual consent and the petitioner no.1 shall pay amount of Rs. 6,00,000/- to the respondent no.2 towards full and final settlement of legal entitlement/claims (past, present and future) of the respondent no.2 including istridhan and dowry articles, jewellery, maintenance and permanent alimony and other miscellaneous expenses etc. to the respondent no.2.

7. The petitioner no.1 has already paid Rs. 4,00,000/- to the respondent no.2. The petitioner no.1 has also delivered the demand draft amounting to Rs. 2,00,000/- dated 01.06.2022 issued by the State Bank of India. The marriage between the petitioner no. 1 and respondent no. 2 has already been dissolved by decree of divorce by mutual consent passed by the Court of Ms. Renu Bhatnagar, Principal Judge, Family courts, West District, Tis Hazari Courts, Delhi vide judgment dated 16.04.2019 passed in HMA No. 613/2021 titled as Preet Pal Singh and Sonia @ Ranjeet Kaur.

8. The respondent no. 2 stated that in view of the settlement she does not have any objection if FIR bearing no.1524/2014 dated 09.12.2014 under sections 498A/406/34 IPC, registered at P.S. Tilak Nagar, Delhi is allowed to be quashed with all consequential proceedings including judicial proceedings.

9. The Additional Public Prosecutor appearing on behalf of the State stated that he does not have any objection if FIR bearing no.1524/2014 dated 09.12.2014 under sections 498A/406/34 IPC, registered at P.S. Tilak Nagar, Delhi is allowed to be quashed with all consequential proceedings including judicial proceedings. He further stated that the petitioner no.1 and the respondent no.2 have also settled the claims pertaining to their child, namely, Prabhgun Kaur @ Harnoor Kaur. He further stated that in view of the judgment titled as Ganesh v. Sudhir Kumar Shrivastava and Ors. (2020) 20 SCC 787, the respondent no. 2 can settle her claims relating to maintenance/permanent alimony/istridhan with the petitioner no.1 and other petitioners but she could not give up the rights which vests with the minor daughter, namely, Prabhgun Kaur @ Harnoor Kaur relating to

maintenance and other issues.

10. In view of the above discussion, the FIR bearing no.1524/2014 dated 09.12.2014 under sections 498A/406/34 IPC, registered at P.S. Tilak Nagar alongwith all consequential proceedings including judicial proceedings is ordered to be quashed. However, it is made clear that the settlement dated 06.06.2018 and the present proceeding pertaining to the quashing of FIR bearing no.1524/2014 dated 09.12.2014 under sections 498A/406/34 IPC, registered at P.S. Tilak Nagar shall not affect in any manner any right vested or shall be vesting including the maintenance/inheritance and other issues in favour of daughter namely, Prabhgun Kaur @ Harnoor Kaur in terms of the judgment titled as Ganesh v. Sudhir Kumar Shrivastava and Ors . (2020) 20 SCC 787) as referred hereinabove.

11. Accordingly the petition alongwith pending applications, if any, stands disposed of.

SUDHIR KUMAR JAIN, J JUNE 2, 2022/j