

# Dev Prakash Yadav And Ors vs The State (Govt. Of Nct Of Delhi) And Anr on 17 February, 2023

**Author: Anup Jairam Bhambhani**

**Bench: Anup Jairam Bhambhani**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1160/2023

DEV PRAKASH YADAV AND ORS.

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Through: Mr. Pallav Gupta with Mr. Ravin  
Rao, Advocates with petitioner  
person.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR

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Through: Mr. Pradeep Gahalot, APP for the  
State.  
R2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 17.02.2023 Exemption allowed, subject to just exceptions. Application stands disposed of.

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners, who are the former husband and in-laws of the complainant/respondent No. 2, seek quashing of case FIR No. 191/2017 dated 11.04.2017 registered under sections 498-A/406/34 of the Indian Penal Code 1860 ('IPC') at P.S.:

Prashant Vihar.

2. The petition is premised on a Settlement Deed dated 16.04.2022 arrived at through mediation before the Counselling Cell, Family Courts, North District Rohini Courts, Delhi as between petitioner No. 1 and respondent No. 2; and Compromise Deed dated 25.01.2023 between petitioners Nos. 1 to 4 and respondent No.2; and Divorce Decree dated 28.07.2022, 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. No appeal is stated to have been filed from the divorce decree.

3. The petition is supported by affidavits of the petitioners, as also of respondent No. 2, alongwith proofs of their I.Ds.

4. The petitioners and respondent No. 2 are present in-person. Their credentials have been verified and they have also been identified by their respective counsel.

5. The parties have confirmed that no child was born from the wed-lock.

6. The court has queried Ms. Madhur/respondent No. 2, who confirms that she has taken divorce by mutual consent; and that compromise has been made between the parties; and that in full-and-final settlement of all her claims including towards maintenance (present, past and future), stridhan, dowry articles, jewellery, permanent alimony, etc., respondent No. 2 confirms that of the total settlement amount of Rs.25 lacs, she has received Rs.17 lacs in two tranches of Rs.09 lacs and Rs.08 lacs; and the balance of Rs.08 lacs is due to be paid today.

7. Petitioner No. 1/husband who is present in-person states the last tranche of Rs.08 lacs is being remitted even as we speak, by his father/petitioner No. 2. An RTGS remittance slip in that behalf is available. However the remittance may take some time to get credited into the account of respondent No. 2.

8. Since remittance via RTGS is stated to have already been initiated and is likely to be credited in respondents No. 2's account within the next hour or so, respondent No. 2 is given liberty to approach this court by way of an appropriate application in the event she does not receive the balance sum of Rs.08 lacs.

9. Mr. Pradeep Gahalot, learned APP 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. 191/2017 dated 11.04.2017 registered at P.S.:

Prashant Vihar is quashed. All proceedings arising therefrom also stand closed.

12. Petition stands disposed-of.

13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J FEBRUARY 17, 2023 ds