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

+ **W.P.(CRL) 1303/2023**

AKSHAY MITTAL & ORS.

..... Petitioners

Through: Ms. Shefali Gandhi and Mr. Bhishm Singh, Advocates with petitioners in-person.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. A.V. Khatri, ASC for the State with SI Sachin Dhama, P.S.: Shalimar Bagh.
Mr. Kartik Kumar, Advocate for R-2 with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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09.05.2023

CRL.M.A. 12293/2023

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 1303/2023

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. 581/2021 dated 14.07.2021 registered under sections 498-A/406/34 of the Indian Penal Code 1860 ('IPC') at P.S.: Shalimar Bagh.

2. The petition is premised on Settlement Deed dated 10.10.2022 arrived at through mediation before the Counselling Cell, Family Courts, North/West Rohini Court, Delhi; and Divorce Decree dated 07.01.2023, 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. It is noticed that the Settlement Deed, which is drawn-up on a template, *contains extensive, casually made (scribbled), and in parts illegible interpolations*, some of which have not even been signed by the parties. This court has been constrained to observe similar interpolations in other settlement deeds filed in such matters.
4. The petition is supported by affidavits of all the petitioners and of respondent No. 2, alongwith proofs of their I.Ds.
5. The petitioners, as also respondent No. 2, are present in-person. Their credentials have been verified and they have also been identified by their respective counsel.
6. The parties have confirmed that no child was born from the wed-lock.
7. The court has queried Ms. Divyansha, respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a settlement deed has been entered into 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., she was to receive a sum of Rs.18 lacs from petitioner No. 1; out of which Rs.12 lacs was paid earlier and Rs. 06 lacs 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.

8. Mr. A.V. Khatri, learned APP 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. 581/2021 dated 14.07.2021 registered under sections 498-A/406/34 IPC at P.S.: Shalimar Bagh is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.
13. On another note however, the Registrar General is directed to forward a copy of this order to the Principal Judge (Family Courts) (HQ) Tis Hazari, Delhi, drawing attention to the observations made in relation to interpolations and illegible notations made on the template settlement deed in para 3 above. The Principal Judge (Family Courts) (HQ) is requested to circulate a copy of this order to all Family Courts in Delhi, with a direction to sensitise mediators, counsellors and other persons involved with drawing-up settlements, to ensure that though

templates may be used for the purpose, it is necessary that settlement deeds are drawn-up with requisite care and effort, and not casually, carelessly or hurriedly, with interpolations *scribbled* across the document. It is also directed that preferably, settlement deeds be typed-out, even if taken from a template; and interpolations, if any, be neatly incorporated and countersigned by all concerned parties. It must be borne in mind that settlement deeds are important documents, which comprise final closure of disputes between parties, and may contain clauses that are actionable in the future as well, and may affect the rights of the parties at a subsequent time.

14. Let the needful be done by the Principal Judge (Family Courts) (HQ) within 02 weeks.

ANUP JAIRAM BHAMBHANI, J

MAY 9, 2023/ak