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

+ **CRL.M.C. 8487/2024 & CRL.M.A. 32369/2024**

RITU MATHUR

.....Petitioner

Through: Ms. Counsel (appearance not given).

versus

THE STATE (GNCT OF DELHI) AND ANRRespondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Sombir, P.S. S.J.Enclave.
Mr. Harkeerat Singh, Adv. for R2
alongwith R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.10.2024

CRL.M.A. 32370/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 8487/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 388/2021 dated 31.12.2021 registered under sections 451/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Safdarjung Enclave, Delhi.

2. The petition is premised on Settlement Deed dated 17.09.2024 signed between the petitioner (wife) and respondent No.2 (husband) under the aegis of Delhi High Court Mediation & Conciliation Centre, Delhi High Court, New Delhi.



3. The petitioner as well as respondent No.2 are present in court.
4. Learned counsel appearing for the petitioner submits, that though the parties are yet to perform several obligations on their part under the settlement deed, insofar as the subject FIR is concerned, respondent No.2/complainant has agreed that he does not wish to pursue the subject FIR any further, *only* insofar as the petitioner is concerned.
5. Mr. Harkeerat Singh, learned counsel appearing for respondent No. 2 confirms the position to submit, that respondent No.2 does not wish to pursue proceedings in the subject FIR *insofar as the petitioner is concerned* and wants the FIR to be quashed *to that limited extent*.
6. Upon a perusal of the terms of the settlement agreement, it is seen that several steps/actions are required to be taken by the parties, before the matter comes to a final closure.
7. Upon being queried, the court is informed that the parties have moved the first motion under section 13-B(1) of the Hindu Marriage Act, 1955 seeking divorce by mutual consent; and that the second motion is yet to be moved.
8. In the circumstances, this court is of the view that before the subject FIR is quashed *qua* the petitioner, the other aspects of the settlement deed should also be performed so as not to leave any ambiguities or loose-ends in relation to the disputes between the parties.
9. Learned counsel appearing for the petitioner however submits, that the petitioner be protected from any coercive steps or actions in the on-going proceedings before the learned Metropolitan Magistrate.
10. Considering the facts and circumstances of the case, and in view of the what has been stated by both parties in court, the learned Trial



Court is directed not to take any further steps or actions in the pending proceedings *insofar as the petitioner* is concerned.

11. At joint request of the parties, re-notify on 10th February 2025.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 25, 2024

V.Rawat