

Sh.Naresh Kumar vs State of Nct of Delhi & Anr.

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Court : Delhi Orders

Decided On : Feb-26-2026

Judge : Hon'Ble Mr. Justice Anup Jairam Bhambhani

Appeal No. : CRL.M.C./1121/2026

Appellant : Sh.Naresh Kumar

Respondent : State of Nct of Delhi & Anr.

Advocate for Def. : Mr. Nawal Kishore Jha

Advocate for Pet/Ap. : Ms. Deeksha Anand, Mr. Parmanand

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1121/2026

SH.NARESH KUMARPetitioner Through: Ms. Deeksha Anand and
Mr. Parmanand, Advocates. Petitioner (in-person).

versus

STATE OF NCT OF DELHI & ANR.Respondents Through: Mr. Nawal Kishore Jha, APP for the State. SI Anshul, P.S.: New Ashok Nagar. Respondent No.2 (in-person).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 26.02.2026 CRL.M.A. 4431/2026 (exemption) Exemption granted, subject to just exceptions. The application stands disposed-of.

CRL.M.C. 1121/2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner, who is the former husband of the complainant/respondent No. 2, seeks quashing of case FIR No. 439/2016 dated 02.08.2016 registered under sections 498-A/406 of the Indian Penal Code, 1860 (IPC) at P.S.: New Ashok Nagar, Delhi.

2. The petition is premised on a Mediated Settlement Agreement dated

28.07.2025 arrived at before the Delhi Mediation Centre, Karkardooma Courts, Delhi; and Divorce Decree dated 20.11.2025, which is the culmination of petitions under sections 13B(1) and

CRL.M.C. 1121/2026 Page 1 of 4

13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.

3. The petition is supported by affidavits of the petitioner, as also of

respondent No. 2, alongwith proof of their IDs.

4. The petitioner as well as respondent No. 2 are present in court. Their

credentials have been verified and they have also been identified by their respective counsel.

5. The parties have confirmed that two children, viz., Arnav and Akshita,

were born from the wedlock, one of whom (Akshita) is minor as of date.

6. No appeal is stated to have been filed from the divorce decree.

7. The court has queried Ms. Babita, respondent No. 2, who confirms

that she has taken divorce by mutual consent; and that a mediated settlement agreement has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), stridhan, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 16,00,000/- from the petitioner, which money has been received by her. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

8. Though clause 9 (vii) of the settlement agreement records that the

minor girl-child of the parties shall remain with the mother; and that the father shall not claim custody or visitation rights in respect of his daughter at any stage, however, upon query, respondent No.2 says that she had never said that the petitioner would not be permitted visitation rights to his minor daughter. The petitioner also confirms

this position. This is contrary to what is recorded in clause 9 (vii) of the settlement agreement.

9. It is therefore clarified that regardless of what has been recorded in

mediated settlement agreement dated 28.07.2025, the petitioner (father) shall be entitled to visitation rights to his minor daughter; and though the custody of the minor daughter shall remain with the mother, the petitioner shall be entitled to meet his daughter as per logistical convenience of the parties.

10. Mr. Nawal Kishore Jha, learned APP confirms that the State has no

objection to the subject FIR being quashed.

11. 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.

12. Accordingly, FIR No. 439/2016 dated 02.08.2016 registered under

sections 498-A/406 IPC at P.S.: New Ashok Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.

13. Needless to add that the settlement between the parties, leading to the

closure of all criminal proceedings by way of the present order, will in no way affect the property rights and other rights of both children,

CRL.M.C. 1121/2026 Page 3 of 4

namely Arnav and Akshita vis--vis their parents, as may be available under law, in any manner whatsoever.

14. Considering what has been recorded in clause 9 (vii) of the settlement

agreement, let a copy of this order be forwarded to the Secretary of the Delhi Mediation Centre, Karkardooma Courts, Delhi, who must bring this to the notice of the learned Mediator who had overseen the settlement process, to be cautious in future and accurately record settlements between parties.

15. The Secretary, Delhi Mediation Centre, Karkardooma Courts, Delhi,

is also requested to bring to the notice of all learned Mediators, that mediation agreements have to be drawn-up carefully and accurately, faithfully reflecting the agreement between parties; and not taken from templates or formats, since these agreements deal with the lives not only of the parties but often of their minor children.

16. Petition stands disposed-of in the above terms.

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

18. Let a copy of this order be forwarded to the Secretary of the Delhi

Mediation Centre, Karkardooma Courts, Delhi.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 26, 2026/ak

CRL.M.C. 1121/2026 Page 4 of 4

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