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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 27th November, 2025

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W.P.(CRL) 179/2024, CRL.M.A. 21087/2025

1. **RAJAT**
S/o Sh. Giriraj
2. **GIRIRAJ**
S/o Sh. Om Prakash
3. **RADHA**
W/o Sh. Giriraj
4. **LAXMAN**
S/o Sh. Giriraj
5. **BHAGAT**
S/o Sh. Giriraj
6. **RITIK**
S/o Sh. Giriraj
7. **MALA**
D/o Sh. Giriraj
8. **KARISHMA**
D/o Sh. Giriraj
9. **POOJA**
D/o Sh. Laxman

All R/o C-135, Chinyat Basti,
Nabi Karim, Paharganj,
Delhi-110055.

.....Petitioners



Through: Mr. D.B. Yadav, Advocate.

versus

1. **THE STATE**
(GOVT. OF NCT OF DELHI)
Through SHO
P.S. Patel Nagar, Delhi.

2. **S**
W/o Sh. R
D/o Sh. N
R/o

.....Respondents

Through: Mr. Rahul Tyagi, ASC for State.
Ms. Smriti Sinha, Ms. Aleena,
Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Writ Petition under Article 226 Constitution of India read with Section 482 Cr.P.C. of the Code of Criminal Procedure has been filed on behalf of the Petitioners seeking *quashing of FIR No.328/2022 under Section 498A/406/377/376/323/506/34 IPC* registered at Police Station Patel Nagar, Delhi.
2. It is submitted that Petitioner No.1 Rajat got married to Respondent No.2/Ms. 'S' on 16.02.2020, according to Hindu customs and rights. Thereafter, they resided together as husband and wife. It is asserted that after the marriage, husband came to know that his wife had been talking and meeting one boy Amir Salmani, with whom she had illicit relationship. The



Petitioners tried to make Respondent No.2 understand many a times, but she gave threats that if they tried to stop her from talking to Amir Salmani, she would implicate them in false cases.

3. On 26.07.2021 Respondent No.2 filed a false Complaint dated 24.07.2021 against Petitioner No.1 Rajat and Petitioner No.3 Radha, mother of Petitioner No.1 that they had given her merciless beatings on 24.07.2021, but she did not make any allegation against the other Petitioners and did not make any allegation that they had committed rape or made dowry demands. *FIR No.227/2021 under Section 323/341/506/34 IPC* P.S. Nabi Karim, was registered on this Complaint.

4. Petitioner No.1 and Respondent No.2 are both living separately since 25.07.2021.

5. Subsequently, Respondent No.2 filed another Complaint about the same incident dated 24.07.2021 on which earlier FIR No.328/22 under Section 498A/406/377/376/323/506/34 IPC was registered at Police Station Patel Nagar against the Petitioners, though Chargesheet has not been filed till date.

6. In the present FIR No.328/22, she did not level any allegation regarding rape, but only asserted that dowry demands were made by the Petitioners. However, subsequently, the Complainant/Respondent No.2 made allegations of rape against Petitioner No.1, 2, 5 and 6 and Section 376/377 IPC were added. It is asserted that Respondent No.2 had intentionally and deliberately made false allegations of rape against the Petitioners. They all belong to respectable family.

7. The Petitioner No.1 to 5 filed Anticipatory Bail Application in this



FIR. The Anticipatory Bail was disposed of with the direction to the Investigating Officer that five days prior Notice would be given in case of arrest.

8. On 09.09.2021 Respondent No.2 filed a Complaint under Section 12 D.V. Act against Petitioner No.1 to 5, wherein she made contradictory averments.

9. The quashing of the present FIR No.328/2022 is sought on the ground that on similar allegations, an earlier FIR No.227/2021 was registered. There cannot be two FIRs for the same incident and the present FIR is liable to be quashed.

10. The ***Status Report has been filed on behalf of the State***, wherein it is submitted that during the counseling of the Complainant in CAW Cell on 25.03.2022, she gave a handwritten statement in which she stated that before her marriage, a person, namely Amir Salmani, had raped her and made objectionable videos. After her marriage, Amir sent these objectionable videos on the mobile phone of her husband, for which separate FIR No.278/2020 under Section 376/506 IPC and Section 6 POCSO Act dated 16.07.2020, has been registered.

11. The Complainant had further stated that after receiving the video, her husband and in-laws started forcing her to earn money from prostitution. On the occasion of Holi on 29.03.2021, her husband, father-in-law and two brothers-in law, namely Laxman and Bharat, were consuming alcohol, but her mother-in-law abetted them to commit rape of the Complainant, after which she would start working as a prostitute. The aforementioned persons, therefore, raped her and also did so unnaturally and orally.



12. Her statement under Section 164 Cr.P.C was recorded in which she corroborated the facts stated herein above. Her medical examination was done at Dr. RML Hospital, wherein she denied her internal examination.

13. During the investigations, accused *Rajat, Giriraj, Laxman, Bhagat and Ritik* joined investigation and they were interrogated at length. Potency Test of the accused persons was conducted at RML Hospital, New Delhi.

14. The other co-accused *Karishma (nanad) and Radha (mother-in-law)* also joined the investigations. However, the other two co-accused namely *Mala and Pooja*, have not joined the investigations and the case is still pending.

15. ***Learned counsel on behalf of the Petitioners***, has vehemently contended that first FIR No.227/2021 has been made in respect of incident dated 24.07.2021, wherein the only allegations made were of wrongful constraint and beatings. There was no allegation of rape or dowry demands in the first Complaint. After the registration of the FIR No.227/2021 dated 24.07.2021, the Complainant/Respondent No.2 left the matrimonial home and there was no occasion for her harassment for dowry or of sexual abuse.

16. The second Complaint dated 24.07.2022 was made in which false allegations of dowry demand were made for the first time, even though there was no mention of the same in the first Complaint. Pertinently, the allegations of rape have been made for the first time in the Statement under Section 164 Cr.P.C. All these circumstances clearly reflect that the second FIR is nothing but manipulated on false assertions.

17. Moreover, in this present FIR, there is also a mention of the incident of 24.07.2021 in respect of which earlier FIR No.227/2021 already stands



recorded. It is, therefore, argued that once an FIR has already been recorded in respect of the incident of 24.07.2021, the second FIR in respect of the same incident, is not maintainable and the FIR No.328/2022 is liable to be quashed.

18. ***Learned Counsel on behalf of the Respondent No.2/Complainant*** has, however, refuted all these arguments. It is stated that the second FIR contains specific averments about the dowry harassment. She subsequently had also deposed in her statement under Section 164 Cr.P.C about her sexual abuse. There may be a passing reference to the incident of 24.07.2021 (FIR MNo.227/2021), but the allegations in the present FIR are essentially in respect of dowry harassment, cruelty and rape. The allegations in the two FIRs are not the same and the present FIR is not liable to be quashed.

Submissions heard and record perused.

19. The allegations in the first FIR No.227/2021 were confined to an incident of one day i.e. 24.07.2021 when she claimed to have been beaten by the two Petitioners namely Petitioner No.1 Rajat/husband and Petitioner No.3 Radha, mother-in-law.

20. However, after one year, the Complainant made another Complaint dated 24.07.2022 about alleged dowry harassment and cruelty, which have been further corroborated by her statement under Section 164 Cr.P.C, wherein she has leveled additional allegations of rape against some of the Petitioners.

21. The bare perusal of the two FIRs show that they are based on absolutely different facts and cannot be claimed to be on the same facts. There may be a reference to the incident of 24.07.2021 in the second FIR,



but that does not make the two FIRs to be based on identical facts.

22. It has also been contended that the allegations made in the second FIR, are patently false as it does not find mention in the first Complaint. Furthermore, after 24.07.2021, the Respondent No.2 never resided in the matrimonial home and there was no occasion for dowry harassment or alleged rape as mentioned in the second FIR. However, this contention on merit, is to be agitated before the learned Trial Court.

23. As already noted above, the contents of the two FIRs are absolutely different. Therefore, there is no ground for quashing of the FIR No.328/2022.

24. In view of the above, the present Petition is dismissed and disposed of accordingly along with the pending Application(s).

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 27, 2025

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