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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 288/2023, CRL.M.A. 2670/2023 & CRL.M.A.
16071/2025

AMEET KHANDELWAL

.....Petitioner

Through: Mr. Nitin Saluja, Mr. Vikas Maini,
Mr. Ankit Banati, Ms. Ishita Soni,
Advocates

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the
State with Mr. Alok Sharma,
Advocate along with SI Nishi, PS
GK-I

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.10.2025

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1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973¹ (*pari materia* Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023²) seeks quashing of FIR No. 105/2022³ dated 24th April, 2022 for offences under Sections 498A/406 of the Indian Penal Code, 1860⁴ registered at P.S. Greater Kailash.

2. When the petition was instituted, the investigation was still in

¹ "Cr.P.C."

² "BNSS"

³ "the impugned FIR"

⁴ "IPC"



progress. It is, however, now undisputed that the investigation stands concluded, the charge-sheet has been filed, and cognizance of the offences has been taken by the competent court. In view thereof, the proceedings are no longer at the stage of investigation but have crystallised into a criminal case pending before the Magistrate.

3. At this stage, the Petitioner's counsel submits that the filing of a charge-sheet does not ipso facto bar the exercise of this Court's inherent jurisdiction to quash criminal proceedings and that the Petitioner is entitled to have the matter examined on merits even post-cognizance, in view of the settled law. Reliance in this regard is placed on the judgement of the Supreme Court in *Abhishek v. State of Madhya Pradesh*.⁵

4. On merits, counsel for the Petitioner advances the following submissions:

4.1. The allegations in the FIR, even if taken at face value, do not disclose the essential ingredients of offences under Sections 498A or 406 IPC. The complaint, contains only generalised and omnibus accusations without particulars of any specific act of cruelty or entrustment of property.

4.2. The alleged acts of cruelty pertain to the year 2013, whereas the complaint came to be lodged only in 2021, after an unexplained delay of nearly eight years, which by itself casts doubt on the genuineness of the allegations.

4.3. The parties had executed a Memorandum of Understanding resolving all outstanding matrimonial and financial disputes, a fact which the complainant deliberately suppressed while lodging the FIR.

4.4. The dispute between the parties essentially arises out of commercial

⁵ 2023 SCC OnLine SC 1083.



and financial transactions, which are already the subject matter of proceedings before the National Company Law Tribunal, and that the criminal process has been invoked only as an instrument of pressure.

5. *Per contra*, ASC for the State opposes the petition and submits that the allegations in the FIR were duly investigated and have found corroboration during inquiry. It is stated that the charge-sheet is supported by material evidence, including the detailed statements of the complainant and witnesses, which *prima facie* disclose the commission of offences under Sections 498A and 406 IPC. Accordingly, it is urged that no case for quashing is made out at this stage.

6. The Court has considered the rival submissions. It is well settled that once a charge-sheet has been filed and cognizance taken, the proceedings no longer remain at the stage of investigation. Nonetheless, the High Court continues to retain its inherent power to quash criminal proceedings even at this stage, though such power emanates from Section 482 of the Code of Criminal Procedure, 1973 rather than Article 226 of the Constitution of India.⁶

7. In the present case, although the Petitioner has invoked both provisions, this petition has been regarded as a writ under Article 226 of the Constitution. Be that as it may, the settled position is that the power to quash under Section 482 Cr.P.C. must be exercised sparingly and with great caution. The Supreme Court in *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*,⁷ has held that interference under Section 482 is justified only where, even after taking the FIR and accompanying material at face

⁶ *Pradnya Pranjal Kulkarni v. State of Maharashtra & Anr.* 2025 SCC OnLine SC 1948.

⁷ (2021) 19 SCC 401.



value, no offence is made out or the prosecution is clearly an abuse of process. Pertinently, this jurisdiction is not to be used as a substitute for trial, once the investigating agency has collected material and cognizance has been taken, the Court cannot assess the sufficiency or reliability of the evidence, but must confine itself to whether the allegations, as stated, disclose the alleged offences. To that effect, the Supreme Court in **Rajeev Kourav v. Baisahab**⁸, held as follows:

“8. It is no more res integra that exercise of power under Section 482 CrPC to quash a criminal proceeding is only when an allegation made in the FIR or the charge-sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding.”

8. The aforesaid principle was reiterated by the Supreme Court in **Naresh Aneja v. State of U.P.**⁹, where it was held as follows:

“18. It is well settled that when considering an application under Section 482CrPC, the court cannot conduct a mini-trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some substance in the allegations made which could meet the threshold of statutory language.”

9. The aforesaid judgments were met with approval by the Supreme Court in its recent judgment in **Abhishek Singh v. Ajay Kumar & Ors.**¹⁰.

⁸ (2020) 3 SCC 317

⁹ (2025) 2 SCC 604

¹⁰ 2025 INSC 807



10. Turning to the merits, a plain reading of the FIR discloses specific and consistent allegations of physical and mental cruelty, including instances of violent conduct such as throwing household objects. Taken at face value, these assertions *prima facie* attract the ingredients of Section 498A IPC. Likewise, the FIR and the charge-sheet allege that the complainant's jewellery and certain company funds were entrusted to the Petitioner and have not been returned despite repeated demands, thereby disclosing an offence under Section 406 IPC. The complainant's explanation that the jewellery was purchased long ago, accounting for the absence of invoices, is a question for the trial court to assess. Although the charge-sheet records that certain commercial disputes between the parties are pending before the NCLT and NCLAT, those proceedings do not efface or neutralise the allegations of personal cruelty and criminal misappropriation forming the basis of this prosecution. Whether these allegations withstand scrutiny or result in conviction is to be determined at trial, not in proceedings under Section 482 Cr.P.C.

11. As regards the alleged delay in lodging the FIR, it is well settled that such delay, when reasonably explained by the nature of domestic abuse or coercive control, does not by itself warrant quashing. These are questions of fact to be tested on evidence during trial. The plea that the parties had executed a Memorandum of Understanding resolving all disputes also does not aid the Petitioner at this stage. The marriage admittedly subsists, and the legal effect of the MoU, if any, can be examined by the trial court. In any event, the offence under Section 498A IPC being non-compoundable, the FIR cannot be quashed solely on the basis of a purported private settlement when Respondent No. 2's is not consenting to the quashing of the FIR.



12. Having regard to the foregoing discussion and the aforementioned legal principles enunciated by the Supreme Court, this Court finds no ground to invoke its inherent jurisdiction under Section 482 Cr.P.C. to interdict the prosecution at this stage.

13. Be that as it may, since the charge-sheet has now been filed and cognizance taken, this Court is of the view that the more appropriate course for the Petitioner is to invoke the statutory remedy of discharge before the Trial Court under Section 227 of the Code of Criminal Procedure, 1973.

14. It is, therefore, clarified that the dismissal of this petition shall not preclude the Petitioner from seeking discharge, and any such plea shall be considered by the Trial Court on its own merits and strictly in accordance with law.

15. The petition and all pending applications are, accordingly, dismissed.

SANJEEV NARULA, J

OCTOBER 14, 2025
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