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

+ **CRL.M.C. 586/2025 & CRL.M.A. 2815/2025**

AJAY SAXENA AND ORS

.....Petitioners

Through: Mr. Hemant Baisla, Mr. Manjeet Singh Rathor, Mr. Hemant Kr. Niranjana, Ms. Neha Yadav, Ms. Ruchi Rathor, Advocates

versus

STATE OF N.C.T OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State with SI Pankaj Kumar, PS Jyoti Nagar
Ms. Ananya Luthra, Advocate for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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24.07.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 242/2022³ registered under Sections 498A, 406, 34, 323, 354, 377, 506 & 509 of the Indian Penal Code, 1860⁴ and under Sections 3, 4 of the Dowry Prohibition Act, 1961 at P.S. Jyoti Nagar and all consequential proceedings emanating therefrom.

¹ "BNSS"

² "Cr.P.C"

³ "the impugned FIR"



2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioner No. 2 to 5 are the in-laws of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 27th November, 2020 as per Hindu rites and ceremonies. There is no child from the said marriage. However, the relationship between the parties deteriorated and the parties started living separately.

3. Subsequently, Respondent No. 2 made a complaint against Petitioners, alleging that she was subjected to cruelty by them, which later culminated into the impugned FIR.

4. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence before the Counselling Cell, Family Court, Shahdara, Karkardooma Courts. Petitioner No. 1 and Respondent No. 2 executed a Settlement Agreement dated 12th August, 2024, whereby Petitioner No. 1 has agreed to pay INR 9,75,000/- to Respondent No. 2 as full and final settlement. As per the terms of settlement, Respondent No. 2 has agreed to give her no-objection to the quashing of the present FIR. Pursuant to the settlement, Petitioner No. 1 and Respondent No. 2 have obtained divorce by mutual consent by order dated 5th November, 2024 passed by the Family Court, Shahdara, Karkardooma Courts.

5. Mr. Hemant Mehla, APP for the State, strongly opposes the present petition and states that there are serious allegations against Petitioner No. 1 under Section 377 of IPC. He also highlights the allegations of sexual assault against Petitioner No. 2.

6. The Court has considered the afore-noted facts and submissions. A

⁴ “IPC”



perusal of the impugned FIR reveals serious and grave allegations of unnatural sexual assault committed by Petitioner No. 1 upon Respondent No. 2 at the time of their marriage.

7. At this stage, it is pertinent to observe that Respondent No. 2's position regarding the allegations in the FIR has been inconsistent. Notably, in one of her affidavits, Respondent No. 2 stated that the accusations against the Petitioners were made in a moment of sudden provocation. However, when directly questioned by the Court, she confirmed that the allegations mentioned in the FIR were accurate. This has led to multiple adjournments of the proceedings solely to allow Respondent No. 2 the opportunity to clarify her unequivocal position on the matter.

8. Pursuant to the Court's directions, Respondent No. 2 has filed a fresh affidavit, wherein she attributed the allegations in the FIR to a misunderstanding between the parties.

9. Respondent No. 2 is present in person before this Court. The Court, once again, queried regarding the veracity of the allegations. She reaffirms that the allegations in the FIR are true, yet she wishes to have the FIR quashed. She states that she intends to get married to someone else and considering her and her family's reputation, she wishes to put this behind her and move on in life.

10. The Court has considered to the reasons cited by Respondent No. 2 for consenting to the quashing of the impugned FIR. However, in light of the serious nature of the allegations, specifically, unnatural physical assault by Petitioner No. 1 and sexual assault allegedly committed by Petitioner No. 4, her consent alone cannot be the basis for quashing the proceedings. It appears that Respondent No. 2's consent for the quashing of the impugned



FIR stems from broader socio-cultural pressures that women in India frequently encounter, where despite enduring marital abuse and non-consensual sexual relations imposed by their husbands, they continue in the marriage for various personal or societal reasons. While the issue of marital rape is currently under consideration before the Supreme Court, this Court finds the allegations in this case to be of such a serious nature that quashing the FIR would not serve the cause of justice.

11. In view of the foregoing, the Court is not inclined to quash the impugned FIR.

12. Dismissed, along with pending application.

13. Petitioner No. 1 shall be free to take recourse to recovery of the amount, if any, paid to Respondent No. 2.

14. By order dated 15th July, 2025, Ms. Ananya Luthra, Advocate was appointed to represent on behalf of Respondent No. 2. Delhi High Court Legal Services Committee is directed to pay her honorarium as per rules.

SANJEEV NARULA, J

JULY 24, 2025/ab