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

+ **CRL.M.C. 1590/2022, CRL.M.A. 6816/2022**

NASREEN@BABI & ORS.

.....Petitioners

Through: **Mr.Vijay Kinger and Mr.Ashwani
Gehlot, Advs.**

Versus

STATE -GOVT. OF NCT OF DELHI & ANR.Respondents

Through: **Mr. Naval Kishor Jha, Ld. APP for
State with WSI Shweta, PS Krishna
Nagar.**

**Mr.Gaurav Sharma, Adv. (DHCLSC)
with Ms.Sakshi Jha, Adv. with
complainant in person.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.02.2025

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1. The Petition under Section 482 Cr.P.C. has been filed for quashing of order dated 10.03.2022 *vide* which the learned ASJ has upheld the order of Ld. MM dated 15.12.2021 whereby the petitioners have been summoned in FIR No.477/2014 under *Sections 498A/406/34 IPC*.

2. It is submitted on behalf of the Petitioners, that the complainant and Petitioner No.1 got married on 11.11.2007 but got divorced in 05.11.2013 when the Petitioner No.1 pronounced Talaq from the complainant. It is submitted that the FIR has been registered in 2014 while the complainant was divorced in 2013, therefore the present FIR does not survive. It is also submitted that the Petitioners herein who are mother-in-law, father-in-law



and brother-in-law of the complainant had been put in Column 12 despite which they have been summoned *vide* impugned Order dated 15.12.2021 of Ld.MM which has been upheld by the learned ASJ *vide* Order dated 10.03.2022.

3. The learned counsel on behalf of the Respondent has contended that even though the parties got divorced in 2013, the complaint is of 29.12.2011 wherein specific averments of allegations of dowry, harassment and humiliation been made and therefore, it cannot be said that the FIR is liable to be quashed. Furthermore, the charges have been framed on 15.12.2021 and the evidence of the complainant is being recorded and the present petition is liable to be dismissed.

4. **Submissions heard. Record perused.**

5. It has been rightly submitted on behalf of the respondent that the FIR was registered on the basis of complaint dated 29.12.2011 making specific allegations of harassment at the hands of the Petitioners and the husband, the Talaq may have been pronounced subsequently on 05.11.2013 but that does not take away the criminality of the act performed before the date of Talaq. There is no infirmity so far as the summoning order is concerned.

6. The second contention raised on behalf of the Petitioners is that they were put in Column No.12 and there was no basis for their summoning *vide* the impugned Order. However, the charges were framed on 15.12.2021 and grievance, if any, should have been raised at that stage and vis-a-vis the summoning Order. There is no infirmity in the impugned Order.

7. This petition is, therefore, dismissed.

8. Learned counsel for the Petitioner submits that he may be given liberty to challenge the order dated 15.12.2021. Needless to say, it is an



independent order for which the Petitioner is at liberty to take appropriate remedy in accordance with law.

NEENA BANSAL KRISHNA, J

FEBRUARY 17, 2025/VLD