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

+ W.P.(CRL) 2143/2025, CRL.M.A. 20054/2025 (Exemption from personal appearance), CRL.M.A. 20053/2025 (stay)

SH DEBASHISH RAUT & ORS.Petitioners

Through: Mr. Rajesh Kumar and Ms. Mansi Aggarwal, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for the State with WSI Saroj and SI Sarika, PS Fatehpur Beri.
Mr. Mehul Gupta, Advocate for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **15.07.2025**

CRL.M.A. 20052/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 2143/2025

3. Petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioners, for quashing of FIR No. 84/2025 under Section 498A/406/34 of the Indian Penal Code, 1860 (*Sections 85/316(2)/34 of the Bharatiya Nyaya Sanhita, 2023*), registered at Police Station Fatehpur Beri, South District, Delhi and the subsequent investigation pending thereto.
4. The grounds on which the quashing of the said FIR is sought, are that



the Petitioner No. 2 to 7 never resided in the marital home of the Respondent No. 2 and has never interfered in the marital life of the Petitioner Nos. 1 and Respondent No.2. Vague allegations have been made in the Complaint by the Respondent No. 2, after about two years of leaving the matrimonial home and deserting the Petitioner No. 1. Though, the FIR has been registered after unreasonable delay. It is intended to create a pressure on the Petitioners, in addition to divorce proceedings against the Petitioner No. 1. FIR is a result of complete afterthought and has been filed by the Respondent No. 2, who has hatched a conspiracy without any proof. There is no material evidence. The Petitioner Nos. 2 and 3 are residents of Orissa and cannot travel to Delhi, to join the investigations. Because of the chronic back injury of the Petitioner No. 2 and also because there is no evidence against her, Petitioner Nos. 4 and 5 are both working and residing in Mumbai, Maharashtra and cannot travel to Delhi, for investigations.

5. Petitioner Nos. 6 and 7 are working in Gurugram, Haryana and their name has been dragged in the FIR only to torment and create pressure on the Petitioner No. 1. There is no material evidence against the Petitioners and the entire Complaint is based on concocted story. Hence, the prayer is made that the FIR No. 84/2025 under Section 498A/406/34 IPC (*Sections 85/316(2)/34 of the Bharatiya Nyaya Sanhita, 2023*), registered at Police Station Fatehpur Beri, South District, Delhi, be quashed.

6. Learned Prosecutor for the State, on instructions, from the IO and FIR has only be registered only 19.01.2025 and the matter is being investigated. Despite assurances by the Petitioner No. 1, he has failed to ensure the presence of the Petitioner Nos. 2 to 7, for the purpose of investigations.

7. Considering the submissions made, it is evident that the said FIR is



still at the stage of investigations wherein only Petitioner No. 1 has joined. It is premature to hold, without proper investigation that no case is made out against the Petitioner Nos. 2 to 7. Furthermore, in case, the Petitioners have any difficulty, they may request the Investigating Officer, if possible, to join the investigations, through video-conferencing. No such directions can be given by this Court. There is no merit in the Petition, which is hereby dismissed.

8. The Petition is disposed of accordingly. Pending Applications, if any, also stand disposed of.

NEENA BANSAL KRISHNA, J

JULY 15, 2025