



2025:DHC:9440



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Reserved on: 17th September, 2025

Pronounced on: 29th October, 2025

+ CRL.M.C. 5386/2018, CRL.M.A. 6038/2022 & 7897/2023

ARVIND BHATNAGAR

S/o. Sh. Rajender Kumar Bhatnagar,

R/o. C-1493, Rajajipuram, Lucknow

At present;

Po Box No. 945445, Dubai, UAE.

.....Petitioner

Through: Mr. Mahesh Srivastava, Adv.

versus

1. **STATE**

Through SHO

P.S. Tuglak Road, New Delhi.

2. **SMT. NEETI BHATNAGAR**

W/o. Sh. Arvind Bhatnagar,

D/o. Dr. P. N. Srivastava

R/o. Pancwati Colony,

Near Senapati Bhawan,

Jodhpur, Rajasthan.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP with
WSI Urmila Tiwari, PS: CAW Cell,
New Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*) has been filed on behalf of the Petitioner Arvind Bhatnagar for *quashing of FIR No.0182/2005* under Sections 498A/406 IPC, registered at PS: Tuglak Road, New Delhi.



2. *Briefly stated*, the Petitioner/husband and Respondent No.2/wife got married according to Hindu rites and ceremonies on 25.01.1991 at Lucknow, U.P. Two children namely Ms. Niharika (Daughter) aged 26 years and Mr. Nillay (Son) aged 19 years were born from the said wedlock, who are residing with Respondent No.2.

3. It is submitted that relationship between the Petitioner and Respondent No.2 turned sour since 2005 and they are living separately since then. Respondent No.2 made a Complaint on 26.10.2005 accusing the Petitioner and his parents by making allegations of dowry harassment, which resulted in registration of present FIR No.0182/2005.

4. *Petitioner's Mother was discharged by the court of Ld. Magistrate vide Order dated 30.01.2017. However, his father died during the pendency of the proceedings.*

5. Petitioner and Respondent No.2 had amicably settled their disputes, wherein the Petitioner has agreed to pay Rs.35,00,000/- in lieu of all the claims past, present and future in respect of the Respondent No.2 and daughter Niharika and Son Nillay; thereby, they decided to live peacefully in future.

6. On 04.10.2018, Petitioner and Respondent No.2 filed a Petition under Section 13B of the Hindu Marriage Act before the Family Court No.1, Jodhpur, Rajasthan seeking Divorce by way of mutual consent, wherein the first motion was recorded on 05.10.2018 and the matter was adjourned for recording the statement on second motion.

7. Pursuant to settlement arrived at between the Parties, Petitioner deposited six FDRs amounting total sum of Rs.30,00,000/- before the Family Court No.1, Jodhpur, Rajasthan on 04.10.2018, in the name of



Respondent No.2/wife and daughter Niharika and Son Nillay. These were to be released only after quashing of present FIR. Remaining amount of Rs.5,00,000/- was payable to Respondent No.2, after the divorce was granted by the Family Court No.1, Jodhpur, Rajasthan. In addition to Rs.35,00,000/-, Petitioner agreed to pay Rs.2,00,000/- for the value of cost jewellery and some cosmetics items, at the time of passing the decree of divorce.

8. Chargesheet in the FIR has been filed and the Criminal Case No. 43291/2016 is pending before the learned MM, New Delhi. Cognizance in the matter has been taken and the same was listed for recording the prosecution evidence on 19.01.2019.

9. By way of present Petition, Petitioner has sought quashing of the FIR in view of the settlement between the parties.

10. *Petitioner has also filed an Application for placing on record additional grounds for quashing of the FIR.* It has been explained that after the first Motion of Divorce was allowed by the Family Court No.1, Jodhpur, Rajasthan vide Order dated 05.10.2018, due to urgent work Petitioner could not appear on 08.04.2019, 08.09.2019 and 17.02.2020. He was working in Dubai and the outbreak of COVID-19 had already been noticed in the mid-week of November, 2019 and travelling from Dubai was not easy. In these circumstances, he was unable to appear before the Court after 08.09.2019. Due to non-appearance of the Petitioner due to pandemic, divorce Petition under Section 13B of Hindu Marriage Act got dismissed on 01.09.2021 for non-prosecution.



11. Central Government had declared the pandemic w.e.f. 23.03.2020. Noting the Order of pandemic by the Central Government, Hon'ble Supreme Court of India in *Suo-Motu* Writ Petition (C) No.3/2020 passed several Orders on miscellaneous Applications being moved from time to time and finally Order dated 10.01.2022 was passed in Misc. Application No.21/2022, whereby the limitation was extended up to 28.02.2022 and thereafter, balance period of limitation was made available w.e.f. 01.03.2022. Hon'ble High Court of Judicature at Jodhpur has also issued Order on 01.07.2021 in respect of COVID-19.

12. In view of the circular issued by the Hon'ble High Court of Judicature at Jodhpur on 01.07.2021, no evidence could be recorded up to 25.07.2021 and thereafter, the matter was adjourned for 01.09.2021. Petitioner could not appear due to pandemic (COVID-19) and though his lawyer appeared on some dates including date 01.09.2021, the Family Court No.1, Jodhpur, Rajasthan dismissed the petition for non-prosecution.

13. Learned counsel appearing on behalf of the Petitioner, did not inform him regarding dismissal of the Petition. It is Respondent No.2, who informed the Petitioner on 15.12.2021 through WhatsApp and thereafter, Petitioner contacted his counsel to get the information. Since no fruitful information was forthcoming, he engaged another counsel who obtained the certified copy of the Petition and proceedings held therein. He then filed an *Application under Order IX Rule 4, 8 read with Section 151 CPC for setting aside/recall of the Order dated 01.09.2021* along with condonation of delay. This Application was dismissed by Family Court No.2, Jodhpur, Rajasthan vide Order dated 21.10.2022.



14. Thereafter, the Petitioner filed an Appeal under Section 28 read with Section 19 of the Family Court Act vide D.B. Civil Misc. Appeal No.2084/2022, which is pending consideration.

15. Petitioner has further explained that Respondent No.2 has given consent to settle all their disputes. Pursuant to the settlement, a sum of Rs.10,00,000/- was deposited by the Petitioner in favour of daughter Niharika and it was agreed that after receiving the FDR, Respondent No.2 would withdraw the Application filed by her for maintenance against the Petitioner. It is stated that at the time of deliberation regarding settlement, the expenses regarding the marriage of Niharika was also taken into consideration and she was given Rs.15,00,000/- by the Petitioner.

16. Petitioner asserts that he has always been ready to pay the balance amount of Rs.7,00,000/- to Respondent No.2 at any point of time. He has performed his part of the settlement and deposited money in the sum of Rs.30,00,000/- is still lying before Family Court No.2, Jodhpur, Rajasthan.

17. Petitioner has explained that learned counsel for Respondent No.2 had appeared on 22.11.2022 and made a statement that there is no scope of settlement.

18. Petitioner has asserted *additional grounds* that he and Respondent No.2 are living separately for the last more than 18 years and he is 59 years old. He lost his job during pandemic and in search of job he went to Belgium, but could not get any job and ultimately returned to India and is now living at his parental house in Lucknow, U.P.

19. Respondent No.2 is holding a post of Manager in ICICI Bank. Petitioner has also paid Rs.10,000/- each to daughter and son per month for maintenance pursuant to Order passed by Family Court No.2, Jodhpur,



Rajasthan on 02.02.2012. In total, he has paid Rs.8,00,000/- to both son and daughter. Action of the Respondent No.2 is nothing but abuse of the process of the Court and the FIR is liable to be quashed.

20. *Respondent No.2 has filed detailed Reply*, wherein she has submitted that even though a settlement was arrived at between the parties, but on account of non-fulfilment of obligations of the Settlement, coupled with the other reasons, the settlement could not succeed and the Divorce Petition was dismissed by the Family Court, Jodhpur, Rajasthan.

21. Aggrieved by the said Order denying the divorce by Mutual Consent, the Petitioner had preferred an Appeal before the Hon'ble High Court of Judicature at Jodhpur, but the same got dismissed vide Order dated 02.05.2023. Despite this Order of Hon'ble High Court of Judicature at Jodhpur, the matter is still pending at the stage of recording of evidence of the Complainant/Respondent No.2.

22. The delay tactics have been adopted by the Petitioner, which is evident from the fact that charges were framed by the Ld. Trial Court vide Order dated 09.10.2010 against the Petitioner whereas his parents got discharged.

23. Against this, a *Revision Petition* was filed by the Petitioner asserting that he was not given any opportunity while taking cognizance of the Chargesheet and condoning the delay in filing the same. Vide Order dated 13.05.2010, the Ld. ASJ set aside the Order of cognizance and remanded back the matter for fresh disposal. Notice for Application of condonation of delay filed by the Prosecution was served to all accused persons i.e., Petitioner and his parents.

24. Petitioner challenged the same and this Court vide Order dated 23.11.2012, granted liberty to the Petitioner to approach again. Due to delay



tactics played by the Petitioner, the admitted articles were released to Respondent No.2 on 15.09.2016 vide Order dated 25.04.2008 and that too after filling a Petition before this Court, though the FIR had been registered in the year 2005.

25. It is asserted that the Petitioner had done nothing for maintaining Respondent No.2 and both children. The reason for entering into Settlement by Respondent No.2 was the compelling circumstances as her daughter had attained the marriageable age and the Petitioner despite being a father had done nothing to provide any amount for her marriage.

26. Respondent No.2, despite having so much anger against the Petitioner for committing cruelties upon her and disowning both children, consented for settlement. However, even then she was denied the release of settlement amount as the date of marriage was coming near. Respondent No.2 from her own means and borrowing funds from friends / relatives, married her daughter and the Petitioner did not perform any duty as a father. Thereafter, Respondent No.2 was left with no option but to fight for justice and to pursue the case against the Petitioner, who acted as emotion-less husband / father.

27. Furthermore, Respondent No.2 recorded her denial in consenting for quashing of present FIR before this Court, which is recorded vide the Order dated 22.11.2022. Petitioner is still keeping this Petition pending in order to delay the proceedings and harass her.

28. The Application filed before this Court has not been jointly filed and as such, the Petitioner is misleading and using foul play to seek the relief of getting the FIR quashed under Section 482 Cr.P.C. Petitioner has also not mentioned the other dates of hearing other than that of recording of evidence



on 25.07.2021 in the Divorce Petition. Petitioner has stated his reason for non-appearance on every date of hearing of Divorce Petition, however, these are insufficient as well as misleading.

29. Extension for the period of limitation by the Hon'ble Supreme Court of India while disposing of M.A.21/2020, has no bearing upon this instant Application, since the dismissal of the Divorce Petition was for non-prosecution as well as non-appearance of the Applicant. The extension of limitation was given to the litigants so that they do not suffer due to unworkable circumstances created by COVID-19. The Applicant cannot take undue advantage of the said Order for getting another Order or decree passed for non-appearance.

30. Furthermore, present Petition does not contain any single ground dealing with the merit of the case and it is totally based on compromise, which was thereafter, broken. Therefore, present Petition is liable to be dismissed with exemplary cost.

Submissions heard and record perused.

31. By way of present Petition, Petitioner has sought quashing of present FIR No.0182/2005 in terms of Settlement arrived at between the parties on 04.10.2018. As per the submissions made in the Petition, pursuant to aforesaid settlement, Petitioner and Respondent No.2 filed a Petition for divorce by Mutual Consent before the Family Court, Jodhpur, Rajasthan and the Petitioner, out of agreed Rs.37,00,000/- deposited six FDRs of total amount of Rs.30,00,000/- in the name of Respondent No.2 and the children.

32. According to the submissions made, this sum of Rs.30,00,000/- along with the balance amount of Rs.7,00,000/- was to be released after the divorce by *Mutual Consent* was granted. It is further the averment of the



Petitioner himself that after recording of the first motion on 05.10.2018, he failed to appear after 08.09.2019 and eventually the Petition was dismissed in default on 01.09.2021. His Petition for restoration of Divorce Petition was dismissed by the Family Court, Jodhpur, Rajasthan. Petition filed to challenged the said Order also got dismissed on 21.10.2022.

33. Pertinently, first and foremost, the Settlement agreement has not been placed on record. However, the settlement dated 04.10.2018 has been reproduced in the copy of the Petition under Section 13B of Hindu Marriage Act, which has been placed on record, wherein not only is there a mention of the deposit of six FDRs for total sum of Rs.30,00,000/- but also of payment of additional Rs.7,00,000/-, at the time of recording the statement for second motion.

34. *Further*, as per the averments made in the Petition itself, though Rs.30,00,000/- have been deposited, but neither balance amount of Rs.7,00,000/- was ever deposited nor has the amount of Rs.30,00,000/- has ever been released to Respondent No.2. Apparently, from the submissions made, it emerges that Respondent No.2 had sought money for the marriage of the daughter, but the Petitioner was not forthcoming and she had to arrange the funds from her own and other sources to get her daughter married.

35. Averments made in the Petition itself reflect that though a settlement was entered between the parties, but there was never any implementation or execution of the same.

36. Moreover, it is the Petitioner, who had failed to appear before the Family Court, Jodhpur, Rajasthan to make a statement for the second motion, which has resulted in non-release of any money to Respondent



No.2, as per the agreed terms of the Settlement. There is no explanation forthcoming from the Petitioner for him not appearing before the Family Court, Jodhpur, Rajasthan, which is also reflected in the Order dated 21.10.2022 passed by the High Court of Judicature at Jodhpur, Rajasthan, in Appeal No.2084/2022 in dismissing the challenge to the dismissal of Application under Order IX Rule 4 CPC filed by the Petitioner for restoration of Divorce Petition, by the Family Court. It was held that there exists no ground for restoration of the Divorce Petition filed by mutual consent. Moreso, Respondent No.2 had not consented to such restoration.

37. In view of aforesaid, there is nothing to show that this settlement has been ever acted upon by the Petitioner; merely depositing cheques of certain amounts, which have not been released to Respondent No.2 till date as no Divorce by Mutual Consent fructified purely on account of the Petitioner who admittedly failed to appear in the Family Court resulting in the dismissal of Divorce Petition. In the aforesaid circumstances, it cannot be held that the parties having acted upon the Settlement.

38. *There is no ground for quashing of the present FIR No.0182/2005 on the basis of settlement.*

39. Petition is dismissed as being without merits. The pending Applications are disposed of, accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 29, 2025/R