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

+ **CRL.M.C. 6046/2018**

**POOJA MANDAL @ POOJA RAI**

.....Petitioner

Through: Ms. Manika Tripathy with Mr.  
Gautam Yadav and Malvika Singh,  
Advocates.

versus

**STATE OF NCT OF DELHI & ANR**

.....Respondent

Through: Ms. Meenakshi Dahiya, Ld. APP for  
State with SI Ranjana, P.S. Sabzi  
Mandi.  
Mr. Lalit Yadav, Advocate for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**23.01.2025**

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1. A Criminal MC under Section 482 Cr.P.C has been filed on behalf of the Petitioner/Wife against the Order dated 27.04.2010 of this Court in Criminal M.C. No.1329/2010 vide which the FIR No.295 dated 14.12.2009 P.S. Subzi Mandi under Section 498A/376/313/34 IPC, was quashed.
2. It is submitted that the parties had separated in November, 2009 and thereafter, the FIR was registered on 31.12.2009 on which date itself the Respondent No.2 compelled the Petitioner to sign the alleged Settlement Agreement and thereafter, they both appeared in the Court and the FIR was quashed vide Order dated 27.04.2010.



3. It is submitted in the Application that in fact, the Complainant had been misguided as in fact there was no compromise with the Respondent No.2, only false assurances had been given by him that if she agrees to sign the Settlement and withdraw the FIR, he would take her back to the matrimonial home. Under this false promise, she agreed and the FIR got quashed on 27.04.2010.

4. However, in fact, the Respondent no.2 never had any intention or rejoining the Complainant and the Complainant was forced to sign this alleged Settlement purely on a false promise that he would take her back. It is submitted that there was complete misrepresentation made by Respondent No.2 consequent to which the FIR got quashed. Since it is the Complainant who has been misguided, a prayer is made that the impugned Order dated 27.04.2010 be recalled and the investigations be directed to be continued in the FIR No.259/2009.

5. Learned counsel on behalf of the Respondent No.2 has vehemently opposed this Application on the ground that the Respondent No.2 has always been willing for the reunion with the Complainant, but it is she who has not joined the matrimonial home. Furthermore, the Complaint Case for the offence under Section 498A/406 IPC was filed before the Ld. M.M Sivan, Bihar, which got transferred to Delhi and the evidence is being recorded in the said case. It is, therefore, submitted that the Application is malafide and is liable to be dismissed.

6. **Submissions heard and record perused.**

7. There are specific averments made that she had been misguided into making a Statement of Settlement which became the basis of quashing of the FIR. In fact, there was no such Settlement and the Petitioner was never



taken back to the matrimonial home by Respondent no.2. It is also submitted that he thereafter, has got remarried and the Complaint under Section 494 was also filed which is pending trial.

8. Considering the submissions made and having a complete overview of the present circumstances, the impugned Order is recalled and the FIR is restored.

9. The I.O is directed to conduct the investigations expeditiously and to submit the Final Report/Chargesheet in the Court.

10. The Petition stands disposed of .

**NEENA BANSAL KRISHNA, J**

**JANUARY 23, 2025**

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