



\$~93

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

% ***Date of Decision: 19th May, 2026***

+ CRL.M.C. 3997/2026 & CRL.M.A. 16190/2026 & CRL.M.A. 16191/2026

ANIL KUMAR

.....Petitioner

Through: Ms. Gulshan Jahan, Mr. Surya Kamal Mishra and Ms. Simran Khan, Advocates.

versus

STATE (NCT OF DELHI) AND ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for the State with SI Ombir.
Ms. Simran Khan, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein seeks quashing of FIR No. 259/2009 dated 28.05.2009, registered at Police Station Malviya Nagar, for commission of offences under Sections 498A/406 IPC, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. The quashing is being sought for multiple reasons, including for the reason that earlier the parties had settled all their disputes amicably and a statement to said effect was also made by respondent No.2 before the concerned Magisterial Court on 01.08.2012, wherein, she categorically deposed that she was not inclined to pursue the proceedings.
3. It is also claimed that respondent No.2 had obtained *ex-parte* divorce decree on the ground of cruelty on 21.05.2012 and, thereafter, has performed second marriage and at the moment, she is residing happily with her second husband and she is, therefore, also not interested in continuing with the abovesaid FIR.



4. The marriage between the petitioner No.1 and respondent No.2 was solemnized on 21.05.2005. There is no issue from the abovesaid wedlock but on account of matrimonial discord, the parties started residing separately and when a written complaint was made by respondent No.2 with CAW Cell, South District, New Delhi, it resulted in registration of the abovesaid FIR.
5. Charge-sheet has already been filed.
6. The case is at the stage of prosecution evidence.
7. Fact, however, remains that as per learned APP for the State, since respondent No.2 failed to appear before the learned Trial Court for the purposes of making deposition, the learned Trial Court has issued coercive process.
8. Respondent No.2 is present with her brother. Her counsel and IO is also present and she is duly identified by them.
9. When asked, she submitted that she is not interested in pursuing with the abovesaid criminal case and would have *no objection* if the FIR in question is quashed. She admits that when she had appeared before the learned Trial Court on 01.08.2012, she had deposed before the Court that she was ready to withdraw all her cases and was ready to co-operate for quashing of the FIR. Undoubtedly, while making such statement she also claimed that she would go for divorce by way of mutual consent whereas prior to the abovesaid statement made by her on 01.08.2012, she had already obtained an *ex-parte* divorce decree on 21.05.2012.
10. Learned counsel for the petitioner submits that the abovesaid *ex-parte* decree has not been challenged by them and it has, therefore, already attained finality. She submits that, though ideally speaking the complainant, at the time of such statement made on 01.08.2012 should have revealed about the



factum of her already having an *ex-parte* decree, since the matter has been amicably settled and both the sides have moved on in their life and respondent No.2 has already entered into second marriage, it is a fit case where FIR should be quashed.

11. Respondent No.2 reiterates her decision and submits that she would have *no objection* if the FIR is quashed.

12. In view of the abovesaid facts and the statement made by respondent No.2, this Court does not find any reason to continue with the abovesaid criminal case, particularly when respondent No.2 has married and is no longer interested in pursuing with the present FIR.

13. Accordingly, exercising inherent powers vested in this Court under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023*, it is deemed appropriate to quash the instant FIR.

14. Consequently, to secure the ends of justice, FIR No. 259/2009 dated 28.05.2009, registered at Police Station Malviya Nagar, for commission of offences under Sections 498A/406 IPC, along with all consequential proceedings arising therefrom, is, hereby, quashed. Original affidavits of the parties shall be submitted before the learned Trial Court within four weeks from today.

15. The present petition stands disposed of in aforesaid terms.

16. Pending applications also stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 19, 2026/ss/sk