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

\# **CNR No. DLHC010481452026**

\+ **CRL.M.C. 7489/2026 & CRL.M.A. 31327/2026, CRL.M.A. 31328/2026**

MANISH AND ORS .....Petitioners

Through: Mr. Mahipal Singh, Adv.

versus

STATE OF DELHI .....Respondent

Through: Mr. Digam Singh Dagar, APP for State.
SI Braham P. PS Sultan Puri

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 06.10.2026

1. This hearing has been done through hybrid mode.

2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023(hereinafter referred to as 'BNSS'), the petitioners are seeking setting aside of the order dated 07.09.2026 passed by the learned ASJ-03, North-West District, Rohini Courts, Delhi in Criminal Revision No. 268/2026, whereby the revision petition preferred by the petitioners against the order dated 13.04.2026 passed by the learned JMFC (Mahila Court)-02, North-West District, Rohini Courts, Delhi, came to be dismissed. The petitioners also seek setting aside of the order dated 13.04.2026, insofar as it relates to issuance of non-bailable warrants against

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petitioner No.3/Sunita and imposition of costs of Rs.5,000/- each upon the other petitioners.

3. Briefly stated, an ***FIR No.1118/2019*** was registered at P.S. Sultanpuri under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'), arising out of matrimonial disputes between petitioner No.1 and the complainant. Petitioner No.1 and the complainant were married on 18.04.2018. No child was born out of the wedlock. Subject to matrimonial dispute and differences between the parties, the present FIR was registered in the year 2019. The parties subsequently entered into a settlement dated 15.05.2025 for a total sum of Rs.6,00,000/-, out of which Rs.4,00,000/- is stated to have been paid, with the balance amount of Rs.2,00,000/- agreed to be paid at the time of quashing of the FIR. Petitioner No.1 has also obtained a decree of divorce dated 06.03.2026. It is stated that a petition seeking quashing of the FIR on the basis of the settlement is pending before this Court.

4. It is the case of the petitioners that they had regularly appeared before the learned Trial Court on the earlier dates. However, on 13.04.2026, owing to a misunderstanding arising after the settlement, they could not appear. It is further submitted that different counsel were handling the proceedings before the Rohini Courts and the matrimonial/settlement proceedings before the Tis Hazari Courts, which resulted in the aforesaid absence.

5. On 13.04.2026, the exemption application moved on behalf of petitioner No.3 was declined and non-bailable warrants were issued against her for the next date of hearing. The learned Trial Court also imposed costs of Rs.5,000/- each upon petitioner No.1, petitioner No.2 and petitioner No.4 in connection with the cancellation of the bailable warrants issued against them.

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SUBMISSIONS ON BEHALF OF THE PETITIONER:

6. Learned counsel for the petitioners submits that the absence of the petitioners was neither deliberate nor with an intention to evade the process of law. With regard to petitioner No.3, it is submitted that she was unwell on the relevant date and an exemption application was moved on her behalf. Her medical documents were subsequently placed on record. It is further submitted that the petitioners have otherwise been appearing before the learned Trial Court and there is no material to suggest that they have sought to avoid the proceedings.

7. Learned counsel further submits that the matrimonial dispute between petitioner No.1 and the complainant has already been amicably settled, the parties have obtained a decree of divorce, and the petition for quashing of the FIR is pending before this Court. It is submitted that, in these circumstances, the issuance of non-bailable warrants against petitioner No.3 and imposition of costs upon the other petitioners, in the facts of the present case, are unwarranted.

ANALYSIS AND FINDINGS:

8. This Court has considered the submissions advanced on behalf of the petitioners and has perused the material placed on record.

9. It is not in dispute that the petitioners had been appearing before the learned Trial Court on the earlier dates. The explanation furnished for their absence on 13.04.2026 is that, following the settlement between petitioner No.1 and the complainant, there was a misunderstanding between the counsel handling the proceedings before the Rohini Courts and those handling the matrimonial and settlement proceedings before the Tis Hazari Courts. The explanation, considered in the backdrop of the subsequent conduct of the

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parties and the fact that the matrimonial dispute has already been settled, cannot be said to be wholly untenable.

10. Insofar as petitioner No.3 is concerned, an exemption application was moved on the date in question, and it has been submitted that she was suffering from illness. Medical documents in support thereof have also been placed on record. In the circumstances, and having regard to her previous appearance before the learned Trial Court, this Court is of the view that issuing non-bailable warrants against her was not warranted. The coercive process of non-bailable warrants ought to be resorted to having regard to the circumstances of the individual case and the conduct of the accused.

11. As regards the costs imposed upon the remaining petitioners, this Court finds that the explanation furnished for their absence, coupled with their previous appearance before the learned Trial Court and the fact that the matrimonial dispute between petitioner No.1 and the complainant stands settled, constitutes sufficient ground for taking a lenient view. The imposition of costs of Rs.5,000/- each, in the facts and circumstances of the present case, is accordingly liable to be waived.

12. In view of the aforesaid discussion, the present petition is allowed. The order dated 13.04.2026 passed by the learned JMFC (Mahila Court)-02, North-West District, Rohini Courts, Delhi is modified to the extent that the non-bailable warrants issued against petitioner No.3 stand cancelled and the costs of Rs.5,000/- each imposed upon petitioner No.1, petitioner No.2 and petitioner No.4 stand waived.

13. The petitioners shall continue to appear before the learned Trial Court on the dates fixed, unless exempted in accordance with law.

14. The pending applications, if any, also stand disposed of.

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15. The order be uploaded on the website forthwith.

MADHU JAIN, J

OCTOBER 6, 2026/b/yt

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