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

\# **CNR No. DLHC010488572026**

\+ CRL.M.C. 7606/2026

AMIR SIDDIQUI & ORS. .....Petitioners

Through: Mohd Azeem, Advocate (Through VC)

versus

THE STATE GOVT OF NCT OF DELHI & ANR. .....Respondents

Through: Ms. Richa Dhawan, APP for State with SI Ranvijay, PS: Hauz Qazi
Mr. Virender Kumar, Mr. Nabab and Mr. Manoj Gauta, Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 28.10.2026

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ['BNSS'][1], seeking quashing the FIR No. 304/2025 ['subject FIR'] registered under Sections 85, 316(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 ['BNS'] registered at P.S. Hauz Qazi, Delhi along with the chargesheet and all other proceedings arising therefrom.

2. Petitioner No. 1 was married to Respondent No. 2 as per Muslim rights on 25.08.2017 and two children were born from the said wedlock in the year 2019 and 2023, respectively. Owing to matrimonial discord and temperamental discord the parties started living separately. Thereafter, on

[1] Corresponding to Section 482 of the Code of Criminal Procedure, 1973 ['CrPC']

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11.06.2025 Respondent No. 2 registered a compliant before CAW Cell which led to the registration of the subject FIR.

3. It is stated that the charge-sheet has been filed and the same is pending before the learned JMFC on 02.11.2026.

4. The present petition has been filed relying upon a mutual Divorce Deed/Deed of *Mubarat* dated 03.09.2026 [‘Deed of *Mubarat*’] recorded between Petitioner No. 1 and Respondent No. 2. The terms of divorce have been arrived out of Court.

5. This matter was heard on 09.10.2026, when this Court observed that one of the terms in the Deed of *Mubarat* records that 2 tola gold (*mehr*) has to be given by Petitioner No. 1 to Respondent No. 2. On being questioned, Respondent No. 2 stated that she has not received the said 2 tola gold.

This Deed of *Mubarat* also recorded that the custody of both the children will remain with Petitioner No. 1 and Respondent No. 2 will have visitation right once in three (3) months. It is recorded that Respondent No. 2 has been allegedly given Rs. 1,80,000/- in full and final payment of her alimony by the Petitioner No. 1.

6. The matter was adjourned to 27.10.2026 to enable Petitioner No. 1 to comply with the obligation to give and bring before this Court the 2 Tola gold (*mehr*) to hand it over to the Respondent No. 2. However, when the matter was called out on 27.10.2026, Petitioner No. 1 had not complied with the said direction.

7. The matter was again adjourned to today to enable the Petitioner No. 1 to bring the 2 Tola gold for handing it over to Respondent No. 2, which

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was also the *mehr* promised to Respondent No. 2.

8. Respondent No. 2 is present in Court today. She submits that she has not received the 2 Tola gold (*mehr*) and she is being pressurized by the Petitioners to make an incorrect statement before the Court that she has indeed received the 2 Tola gold (*mehr*) from the Petitioner No. 1 outside the Court.

9. Mohd Azeem, learned counsel for the Petitioners has joined the proceeding through video conferencing ['VC'] link and submits that he is not contesting the submissions of Respondent No. 2 and has no further submissions to make with regard to the same.

10. Petitioners are not present today.

11. In view of the proceedings, which transpired before this Court on 09.10.2026, 27.10.2026 and today, it is apparent that Petitioners have not performed their obligation of handing over the 2 Tola gold (*mehr*) to the Respondent No. 2 as specifically undertaken in the Deed of *Mubarat.*

12. It is thus, apparent that Petitioners are playing a fraud on Respondent no. 2 and the Court by misrepresenting that the terms of the Deed of *Mubarat* had been implemented.

13. Moreover, the terms of the Deed of *Mubarat* appear to be one sided, in favour of the Petitioners and records inaccurate facts as noted above.

14. In view of the above, the present petition is dismissed with cost of Rs. 1,00,000/- to be paid by the Petitioners to Delhi High Court Legal Services

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Committee [‘DHCLSC’] within four (4) weeks.

15. In case, the cost is not paid by the Petitioners, the registry will initiate appropriate proceedings for recovery of the said cost against all the Petitioners as per Rules.

16. This order be placed on the record of the Trial Court by the Investigating Officer [‘IO’] on the next date of hearing i.e., 02.11.2026. The criminal proceedings in furtherance of FIR and chargesheet shall continue against the accused in accordance with law.

17. Accordingly, the present petition stands dismissed.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 28, 2026/*rhc*/IB

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