



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

Reserved on: 24.07.2026

Date of Decision: 28.07.2026

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+ **CRL.M.C. 5190/2026 & CRL.M.A. 21783/2026**

KAUSHAL KISHOR MISHRA AND ORSPetitioners

Through: Mr. Rohit Khurana and Mr. Amit
Singh, Advs.

versus

STATE GOVT OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Nawal Kishore Jha, APP
SI Gaurav Tyagi

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition has been filed by the petitioners under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') seeking quashing of ***FIR No. 0586/2025*** registered at Police Station Shalimar Bagh, North West District, Delhi for the offences punishable under Sections 406/498A/34 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC') on merits.

Brief Facts

2. Facts giving rise to the petition are that the petitioner no.1 is stated to be employed in the United Arab Emirates. According to the petitioners, petitioner no.1 and respondent no.2 came into contact through a matrimonial website in March, 2022, where respondent no.2 introduced herself as



‘Anjali’ and represented herself to be an MBA graduate. Matrimonial discussions were thereafter held between the families, culminating in their engagement on 10.04.2022 and marriage on 21.11.2022 according to Maithili Hindu rites and ceremonies. It is the case of the petitioners that substantial expenses were incurred by petitioner no.1 and his family members towards the marriage ceremonies and allied functions.

3. According to the petitioners, after the marriage, respondent no.2 joined the matrimonial home at Ghaziabad and resided there with petitioner no.1 and his family members. Petitioner no.1 is stated to have borne the expenses towards the honeymoon trip to Kashmir, medical treatment of respondent no.2, household expenses, religious trips, foreign travel and other family outings. It is further alleged that petitioner no.1 extended financial assistance to respondent no.2 and her family members on several occasions, including towards the marriages of her brothers, treatment of her mother and her personal expenses. The petitioners have relied upon bills, travel documents, hotel bookings, bank transfer records and other financial documents in support of the said assertions.

4. The petitioners further submit that respondent no.2 conceived shortly after the marriage. According to them, on 07.01.2023, respondent no.2 left the matrimonial home and went to her parental home on the pretext of attending her brother's marriage. It is alleged that while leaving, she carried with her jewellery and ornaments gifted by petitioner no.1 and his family members. The petitioners further allege that on 16.01.2023, respondent no.2 underwent medical termination of pregnancy without the knowledge or consent of petitioner no.1. According to the petitioners, upon enquiry, the family members of respondent no.2 informed them that the foetus did not



have a heartbeat and was not developing properly. It is further alleged that notwithstanding the aforesaid events, petitioner no.1 and his family members continued to make efforts to restore cordial matrimonial relations and repeatedly visited the parental home of respondent no.2.

5. According to the petitioners, respondent no.2 thereafter accompanied petitioner no.1 to the United Arab Emirates on 26.03.2023 on a tourist visa and remained there with him for approximately two months. It is alleged that petitioner no.1 incurred substantial expenditure towards travel, accommodation and sightseeing during the said visit. Upon their return to India, respondent no.2 again started residing with her parental family and did not return to the matrimonial home despite repeated requests made by petitioner no.1 and his family members.

6. The petitioners further allege that while processing respondent no.2's visa, petitioner no.1 discovered that her official identity documents reflected her name as 'Baby Jha', whereas she had introduced herself as 'Anjali' during the matrimonial negotiations. It is further alleged that petitioner no.1 subsequently came across certain electronic communications, call records and WhatsApp messages indicating respondent no.2's association with one Deepak Jha. According to the petitioners, the said material suggested that respondent no.2 had maintained a relationship with the said person even prior to the marriage and continued to remain in contact with him thereafter. The petitioners further allege that the electronic records also disclosed frequent telephonic conversations and exchange of messages between respondent no.2 and the said person during the subsistence of the marriage, which, according to them, contributed to the matrimonial discord between the parties.



7. According to the petitioners, respondent no.2 ultimately left the matrimonial home in November, 2023 and did not resume cohabitation thereafter despite repeated attempts made by petitioner no.1 and his family members for reconciliation. Petitioner no.1 is stated to have visited the parental home of respondent no.2 on several occasions in an effort to amicably resolve the matrimonial dispute, but the efforts did not yield any positive result.

8. According to the petitioners, petitioner no.1 thereafter issued a legal notice dated 05.06.2024 calling upon respondent no.2 to resume matrimonial life. The said notice was replied to by respondent no.2 on 06.07.2024, whereafter petitioner no.1 issued a rejoinder. It is further submitted that petitioner no.1 approached the High Court of Judicature at Allahabad by filing Habeas Corpus Petition No.297 of 2024 apprehending that respondent no.2 was being restrained by her family members. The said petition came to be disposed of after recording the statement of respondent no.2 before the said Court.

9. It is further submitted that petitioner no.1 lodged a complaint before the SHO, Police Station Shalimar Bagh and also submitted a representation dated 07.12.2024 to the DCP, Ashok Vihar, alleging commission of offences including cheating, fraud, criminal breach of trust, defamation and hurting religious sentiments by respondent no.2 and her family members. It is the case of the petitioners that despite the aforesaid complaints and repeated representations, no effective action was taken by the police authorities. Consequently, petitioner no.1 instituted a criminal complaint dated 19.12.2024 before the learned Chief Judicial Magistrate, North-West District, Rohini Courts, placing on record the material relied upon by him in



support of his allegations.

10. Subsequently, ***FIR No.586/2025*** came to be registered at Police Station Shalimar Bagh under Sections 406/498A/34 IPC at the instance of respondent no.2. According to the petitioners, the said FIR came to be registered as a counterblast after petitioner no.1 had initiated the aforesaid legal proceedings and complaints against respondent no.2 and her family members. Aggrieved by the registration of the aforesaid FIR and the consequential proceedings arising therefrom, the petitioners have preferred the present petition seeking quashing thereof.

Submissions on behalf of the petitioners

11. Learned counsel for the petitioners submits that the marriage between petitioner no.1 and respondent no.2 subsisted for barely one year. During this period, the parties cohabited for only about 70 days, and respondent no.2 resided with the parents of petitioner no.1 for merely 20 days. He submits that despite the same, the entire family of the petitioners has been falsely implicated in the present FIR.

12. He further submits that the present complaint is nothing but a counterblast to the legal notice issued by petitioner no.1 seeking restitution of cohabitation. It is submitted that petitioner no.1 had also approached the Allahabad High Court by way of a habeas corpus petition and had filed a complaint before the learned Magistrate. According to him, the impugned complaint came to be lodged after about one and a half years of respondent no.2 leaving the matrimonial home and is an afterthought.

13. Learned counsel further submits that the allegations made in the FIR are vague in nature, do not disclose the essential ingredients of the offences alleged, and, therefore, the impugned FIR and all consequential proceedings



are liable to be quashed.

Submissions on behalf of the respondents

14. Learned APP for the State, who appears on advance notice, submits that the FIR contains very serious allegations, which involve disputed questions of fact that cannot be decided at this stage without the parties leading evidence.

Analysis

15. This Court has heard the learned counsel for the parties and perused the record.

16. The principal contention of the petitioners is that the marriage between petitioner no.1 and respondent no.2 subsisted only for a short duration, that the complaint has been lodged after considerable delay, that the entire family has been falsely implicated and that the present FIR is a counterblast to the legal proceedings initiated by petitioner no.1, including issuance of a legal notice, filing of a habeas corpus petition before the High Court of Judicature at Allahabad and institution of proceedings before the learned Magistrate.

17. The aforesaid submissions, however, raise questions which are essentially factual in nature. Whether the allegations levelled in the FIR are false or motivated, whether the complaint has been lodged as a counterblast to the proceedings initiated by petitioner no.1, whether the allegations against the petitioners are omnibus or specific, and whether the petitioners have been falsely implicated are all matters which can only be adjudicated upon after the parties lead their respective evidence before the learned Trial



Court.

18. At this stage, this Court is not expected to undertake a meticulous appreciation of the factual matrix or embark upon a mini trial while exercising its jurisdiction under Section 528 of the BNSS. The defence sought to be raised by the petitioners and the documents relied upon by them are matters which are required to be considered during the course of trial.

19. A bare reading of the impugned FIR shows that respondent no.2 has levelled allegations of cruelty, harassment and misappropriation of her articles against the petitioners. Whether the allegations ultimately stand proved or not is a matter of evidence. At this stage, it cannot be said that the FIR does not disclose the commission of any cognizable offence or that continuation of the criminal proceedings would amount to an abuse of the process of law.

20. It is well settled that the inherent jurisdiction of this Court is to be exercised sparingly and with circumspection. Where the allegations contained in the FIR disclose disputed questions of fact requiring appreciation of evidence, the Court would ordinarily refrain from quashing the criminal proceedings at the threshold.

Conclusion

21. In view of the aforesaid, this Court is of the considered opinion that the contentions urged by the petitioners cannot be adjudicated in the present proceedings. The issues raised require evidence to be led by both sides and are matters to be examined by the learned Trial Court during the course of trial. Consequently, no ground is made out for exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS. Accordingly, the



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present petition is dismissed.

22. Pending application(s), if any, shall also stand disposed of.

**MADHU JAIN
(JUDGE)**

JULY 28, 2026/Av