



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

% **Date of decision: August 10, 2026**

CNR No. DLHC010364132026

+ **CRL.M.C. 5778/2026, CRL.M.A. 24142/2026, CRL.M.A. 24143/2026, CRL.M.A. 24144/2026**

IESH MEHROTRA AND ORS

.....Petitioners

Through: Mr. Lesh Mehrotra, Adv. with
petitioners in person.

Versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Raghuinder Verma, APP for
the State with Mr. Aditya Vikram,
Adv.
W/SI Geet and W/SI Meenakshi,
PS.: Dwarka North, Delhi
Mr. A. Aggarwal and Mr. Nitin
Sharma, Adv. for R-2 with R-2
present in person

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (ORAL)

1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Article 227* of the Constitution of India, the petitioners seek quashing of FIR No.215/2026 dated 27.06.2026 registered at PS: Dwarka North under *Sections 85/316(2)/3(5)* of the Bharatiya Nyaya Sanhita, 2023.

2. It is primarily the case of the petitioners before this Court that the



present FIR has *mala fide* been filed by the respondent no.2 only as a counterblast to the matrimonial proceedings initiated by the petitioner no.1 against her under *Section 9* of the Hindu Marriage Act, 1955 since she left her matrimonial home within *three* days carrying all her belongings with her, and as such, the same is liable to be quashed.

3. At the outset on query, learned APP for the State, upon instructions from the IO, submits that though the petitioners have been summoned by the Police for inquiry as well as to join the investigation as many as *three* times on 20.06.2026, 01.07.2026 and 03.07.2026, but, they, despite due receipt thereof, have never joined the investigation till date. This, in fact, led to pasting of Notices under *Section 35(3)* BNSS at the known address/ house wherein the petitioners are residing on 13.07.2026. Lastly, the learned APP also submits that even prior to registration of the present FIR, the petitioners had never joined the proceedings before the Crimes Against Women Cell as well.

4. Considering that the present FIR has been registered as recently as on 27.06.2026, there is no dispute that the investigation is, *per se*, at its initial stage, wherein the involvement of the petitioners is yet to be unearthed as also *challan* is yet to be filed.

5. In fact, the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors.:(2021) 19 SCC 401***, while considering the aspect of quashing of an FIR at such an initial phase, has held as under:-

“13.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences.



13.2. Courts would not thwart any investigation into the cognizable offences.

13.3. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on.

13.4. The power of quashing should be exercised sparingly with circumspection, in the “rarest of rare cases”. (The rarest of rare cases standard in its application for quashing under Section 482CrPC is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court.)

13.5. While examining an FIR/ complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

13.6. Criminal proceedings ought not to be scuttled at the initial stage.

13.7. Quashing of a complaint/ FIR should be an exception and a rarity than an ordinary rule.

13.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognised to secure the ends of justice or prevent the abuse of the process by Section 482CrPC.

13.9. The functions of the judiciary and the police are complementary, not overlapping.

13.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

13.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

13.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits



of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

13.13. The power under Section 482CrPC is very wide, but conferment of wide power requires the Court to be cautious. It casts an onerous and more diligent duty on the Court.

13.14. However, at the same time, the Court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426], has the jurisdiction to quash the FIR/complaint.

13.15. When a prayer for quashing the FIR is made by the alleged accused, the Court when it exercises the power under Section 482CrPC, only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to consider on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

[xxx xxx xxx]

16. In a given case, there may be allegations of abuse of process of law by converting a civil dispute into a criminal dispute, only with a view to pressurise the accused. Similarly, in a given case the complaint itself on the face of it can be said to be barred by law. The allegations in the FIR/ complaint may not at all disclose the commission of a cognizable offence. In such cases and in exceptional cases



with circumspection, the High Court may stay the further investigation. However, at the same time, there may be genuine complaints/ FIRs and the police/investigating agency has a statutory obligation/ right/ duty to enquire into the cognizable offences. Therefore, a balance has to be struck between the rights of the genuine complainants and the FIRs disclosing commission of a cognizable offence and the statutory obligation/duty of the investigating agency to investigate into the cognizable offences on the one hand and those innocent persons against whom the criminal proceedings are initiated which may be in a given case abuse of process of law and the process. However, if the facts are hazy and the investigation has just begun, the High Court would be circumspect in exercising such powers and the High Court must permit the investigating agency to proceed further with the investigation in exercise of its statutory duty under the provisions of the Code. Even in such a case the High Court has to give/assign brief reasons why at this stage the further investigation is required to be stayed. The High Court must appreciate that speedy investigation is the requirement in the criminal administration of justice.”

[Emphasis supplied]

6. What flows from the above is that mere registration of an FIR, and/or for that matter, filing of a complaint prior thereto, cannot be the sole basis for anyone like the petitioners herein to seek quashing of the said FIR, unless and until the said party like the petitioners herein are able to show something glaringly so apparent from the very face of the record that indeed calls for interference by High Court like this Court to exercise its “inherent powers” under Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**)/ Section 528¹ BNSS. After all, the contents of an FIR

¹ **Section 528. Saving of inherent powers of High Court.** Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the



themselves are not the gospel truth and are not be-all and end-all of any process initiated by a complainant, hence, stalling the same at a stage prior to any inquiry and/ or investigation therein, would tantamount to putting the cart before the horse by prematurely foreclosing the case of the complainant. Suffice it to say, the provisions of *Section 482 CrPC/ Section 528 BNSS*, though available to anyone/ everyone like the petitioners herein, are not amenable to them as a matter of routine, and that too at such an early stage wherein investigation itself is at a nascent stage.

7. Even in the case at hand, this Court finds that no steps have been taken against the petitioners till date and only notices to join the investigation have been issued to them, that too, in an FIR disclosing cognizable offences. Further, the pleadings set forth as also the grounds raised therein coupled with the materials sought to be brought on record by the petitioners have not seen the light of the day and never been placed before the investigating agency and/ or any Court of law till date, which this Court, not being a fact-finding authority, cannot be called upon to adjudicate in the first instance.

8. In the facts and circumstances of the present case, the petitioners do not make out a case falling within the realm of the “*inherent powers*” of this Court under *Section 482 CrPC/ Section 528 BNSS*, which are only to be exercised sparingly with due care and caution and are not available as a matter of right. Investigation in any given case can only be at the hands of an independent agency, and nobody like the petitioners herein can be permitted to ask a High Court like this Court to step over their domain beforehand itself. Therefore, quashing of the present FIR at this stage, i.e.

process of any Court or otherwise to secure the ends of justice.



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at the very threshold, would be too early in the day and would lead to scuttling the criminal proceedings itself.

9. Considering the aforesaid factual position, as also since the petitioners have neither joined nor participated in the investigation in any manner whatsoever, despite being summoned *thrice* and pasting of Notices under *Section 35(3)* BNSS thereafter, as also in view of the legal position emerging from *Neeharika Infrastructure Pvt. Ltd. (supra)*, the present petition, along with the pending applications, being way too premature under such circumstances, is dismissed *in limine*.

SAURABH BANERJEE, J

AUGUST 10, 2026/bh