



2026:DHC:3822



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

% *Date of Decision: 05.05.2026*

+ **CRL.M.C. 3454/2026 & CRL.M.A. 14026/2026**

ASHISH KALRA AND OTHERSPetitioners

Through: Mr. Vardan Kharbanda, Advocate

versus

STATE OF NCT OF DELHI AND ANOTHERRespondents

Through: Mr. Hemant Mehla, APP for State
with W/SI Pista Sharma
Mr. Nikhil, Mr. Piyush Dixit and Mr.
Dheeraj Singh, Advocates for R2 with
complainant *de facto* in person

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioners seek quashing of case FIR No. 09/2021 of PS Shahdara for offence under Section 498A/406/354/34 IPC and Section 4 of Dowry Prohibition Act on the ground that the complainant *de facto* (*respondent no.2 herein*) has settled all matrimonial disputes with the petitioners.



2026:DHC:3822



2. At the outset, learned APP for State has referred to certain serious allegations of sexual misconduct levelled in the subject FIR against the present petitioner no. 2 (*brother-in-law of complainant de facto*). It is contended that in view of such serious allegations of sexual misconduct, the FIR cannot be quashed on the pretext of settlement between the parties. Further, it is submitted by learned APP for State that the trial is already listed for consideration of charge on 17.07.2026.

3. I have heard learned counsel for petitioners. It is contended on behalf of petitioners that according to the settled legal position, the High Court can exercise inherent powers to quash the FIR where the offence alleged is matrimonial wrong or a civil wrong and the court is of the view that ends of justice call for quashing the FIR.

4. There is no dispute about the above mentioned legal proposition. But what is to be examined is as to whether the subject FIR bears allegations of only matrimonial/civil dispute and if so, whether it would be in the interest of justice to quash the subject FIR.

5. The subject FIR runs into as many as 18 pages. One of the allegations of sexual misconduct is that on 24.05.2020, when the complainant *de facto* just came out of her bathroom, she saw the present petitioner no. 2 laying on her bed, due to which she felt shocked and nervous, and asked him to immediately leave her room, but he started playing a porn movie on his mobile phone with high volume and even forced her for sexual favours; that



2026:DHC:3822



despite being repeatedly told to stop the porn video and leave the room, the present petitioner no. 2 did not listen and passed certain obnoxious remarks (*recorded verbatim in the FIR*); that the present petitioner no. 2 further threatened to circulate her video while she was taking a bath, if she objected to his advances; that thereafter, he caught hold of her hand and pulled her, but somehow she rescued herself and started shouting, so the remaining petitioners entered her room; and that when she narrated the entire incident, the remaining petitioners threatened her not to disclose the incident to anyone, otherwise she would be killed.

6. I am of the considered view that these are extremely serious allegations, which ought not to be ignored.

7. In view of the submission of petitioners that no such incident took place, the complainant *de facto*, present in the courtroom, affirmed the incident.

8. The expression “interest of justice” does not mean simply disposing of a matter to suit the convenience of the litigants and also to lessen the burden on dockets by one case. The High Court while exercising inherent powers cannot be expected to look the other way and allow such serious charges to go unpunished. Of course, whether these charges are truthful or not, is for the trial court to decide after conducting a full dress trial and this Court shall not conduct a mini trial in order to ascertain the truthfulness of the charges. To say the least, these are not the charges of mere matrimonial



2026:DHC:3822



or civil wrong. These are heinous allegations of a lady against her brother-in-law.

9. I am not oblivious that in the recent past, the complaints lodged for offences under Section 498A/406 IPC also contain such serious allegations of sexual misconduct. But that does not mean that the Court can take a general view that such allegations are always false and levelled only to ensure that the accused does not get released on bail. Each such case must be tested on its merits, otherwise, even the genuine victims would suffer. On the other hand, if after trial, such allegations are found to be false, it is the complainant *de facto*, who should face prosecution. Either way, inherent powers of the High Court cannot be invoked to dump such serious and heinous allegations under the carpet.

10. In view of the aforesaid, I find it not in the interest of justice to quash the subject FIR. Therefore, the petition and the accompanying application are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

MAY 05, 2026/as