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

% *Date of Decision: 20.11.2026*

\# **CNR No. DLHC010553592026**

\+ **CRL.M.C. 8567/2026, CRL.M.A. 35997/2026 & CRL.M.A. 35996/2026**

SAMIR TIWARI AND ORS. .....Petitioners

Through: Mr. Ajai Kumar, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. .....Respondents

Through: Mr. Hitesh Vali, APP for State with SI Gajender Singh, PS Bindapur and SI Amit Kumar, PS Special Cell, New Delhi.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioners seek quashing of case FIR No. 929/2021 of PS Bindapur, Delhi for offence under Section 498A/406/34 IPC on merits.

2. I have heard learned counsel for petitioners at length.

3. Broadly speaking, the solitary argument on which this petition has been brought is that since the marriage allegedly performed between the

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present petitioner no.1 Samir Tiwari and the respondent no.2 (complainant *de facto*) was a void marriage, offence under Section 498A IPC is not made out. In this regard, learned counsel for petitioners has taken me through the subject FIR. Further, learned counsel for petitioners also places reliance on two judicial precedents that flow from the Hon'ble Supreme Court, holding that in case of void marriage, the conviction for offence under Section 498A IPC cannot be sustained.

4. Apart from the aforesaid, there is no other ground raised to support quashing of the FIR.

5. Learned APP for State, present on advance intimation, submits that the trial court is yet to consider framing of charges and depending upon that outcome, the petitioner can always take recourse to remedies available in law.

6. The impugned FIR was registered for offence not just under Section 498A IPC but also for offence under Section 406/34 IPC. In addition, having gone through the FIR, I *prima facie* find many other offences made out against the petitioners including assault, forcible miscarriage and most importantly cheating, in the sense that according to the complainant *de facto* as mentioned in the subject FIR, the present petitioner no.1 performed marriage ceremony with her on the representation that he had already instituted divorce proceedings against his wife, which representation was later found to be false.

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7. In other words, it is not a case where the FIR in question does not make out any offence at all.

8. However, since the trial court is yet to consider framing of charges, it is made clear that the trial court shall take an independent view without being influenced with the observations made above.

9. That being so, I do not find it a fit case to invoke inherent powers in order to quash the impugned FIR.

10. The petition is not just completely devoid of merits but is also totally frivolous and appears to have been filed with some oblique purposes. Therefore, the petition and the accompanying applications are dismissed with cost of Rs. 20,000/- to be deposited by the petitioners online within one week with *www.bharatkeveer.gov.in*. Copy of this judgment be sent to the trial court.

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(JUDGE)

NOVEMBER 20, 2026/*dr*

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