



2026:DHC:6032



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

% *Date of Decision: 28.07.2026*

+ **CRL.M.C. 5298/2026 & CRL.M.A. 22189/2026**

ANITA

.....Petitioner

Through: Petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS.Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Ravi Shankar.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. Petitioner (complainant *de facto*) seeks quashing of case FIR No. 229/2016 of PS Ashok Vihar for offence under Section 498A/406/34 IPC on merits.

2. Broadly speaking, the petitioner filed a complaint before PS Ashok Vihar, which was registered as FIR No. 229/2016 for offence under Section 498A/406/34 IPC against the present respondents no.2-5. Now, petitioner seeks quashing of that FIR.



3. Petitioner has opted to pursue this petition in person and it is stated by her that the petition was drafted by her on her own. Going by the contents of the petition, I am satisfied that petitioner can present her case without any advocate, as she herself opts for.

4. I have heard the petitioner at length. It is submitted by her that she has not compromised the disputes with the private respondents, but she does not wish to continue their prosecution, because her marriage with respondent no.2 stands dissolved by way of decree of divorce. It is submitted by her that her first marriage got dissolved by divorce because her husband was impotent and thereafter, she got married with the present respondent no.2. The petitioner further submits that her chief-examination has been recorded by the trial court partly but she does not wish to record her complete testimony.

5. Learned APP for State assisted by IO/SI Ravi Shankar accepts notice and opposes the petition.

6. It is not a case where quashing of FIR is sought on merits or on the basis of settlement between the parties. It is a case where the complainant *de facto*, whose role is no more than a witness of prosecution, seeks quashing of the FIR. The petitioner does not have a *locus standi* to seek quashing of the present FIR. Further, if such kind of petition is allowed, it would take



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away from the private respondents an occasion to claim damages for malicious prosecution, in case it is so made out after conclusion of their trial. It is for this reason that complainant *de facto* cannot bring such petition, especially where the prosecution does not support the same.

7. The petition is completely devoid of *locus standi* as well as merits, so the same is dismissed. Accompanying application also stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

JULY 28, 2026/dr