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

% *Date of Decision: 29th April, 2026*

+ CRL.M.C. 3289/2026 & CRL.M.A. 13362/2026

AJAY SAXENA & ORS.

.....Petitioner

Through: Mr. Ayush Kumar, Advocate along
with petitioners-in-person

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for
State/R-1
SI Devendra Singh, PS Jyoti Nagar
R-2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners herein seek quashing of FIR No. 0242/2019 dated 24.02.2022, registered at Police Station Jyoti Nagar, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. Marriage between petitioner No. 1 and respondent No. 2 was solemnized on 27.11.2020 according to Hindu rites and ceremonies at Delhi. There is no child from aforesaid wedlock.
3. However, on account of some matrimonial discord and temperamental differences, respondent No. 2 reported the matter to the police which resulted in registration of aforesaid FIR.
4. Learned counsel for petitioners submits that earlier also, they had filed petition seeking quashing of same FIR and their such petition i.e. Crl. M.C.



586/2025 was taken by the learned Co-ordinate Bench of this Court on 24.07.2025 and while taking note of the serious allegations appearing on record, this Court, despite there being a settlement between the parties, declined to quash the proceedings. Reference be made to Para-10 of the aforesaid order which reads as under:-

“10. The Court has considered to the reasons cited by Respondent No.2 for consenting to the quashing of the impugned FIR. However, in light of the serious nature of the allegations, specifically, unnatural physical assault by Petitioner No.1 and sexual assault allegedly committed by Petitioner No.4, her consent alone cannot be the basis for quashing the proceedings. It appears that Respondent No. 2's consent for the quashing of the impugned FIR stems from broader socio-cultural pressures that women in India frequently encounter, where despite enduring marital abuse and non-consensual sexual relations imposed by their husbands, they continue in the marriage for various personal or societal reasons. While the issue of marital rape is currently under consideration before the Supreme Court, this Court finds the allegations in this case to be of such a serious nature that quashing the FIR would not serve the cause of justice.”

5. Learned counsel for petitioners submits that now there is significant development and the aforesaid order would not come in the way of this Court. He states that charges have been ascertained and there is no charge for offence under Section 377 IPC against petitioner No. 1 Ajay Saxena and there is no charge of sexual assault against petitioner No. 4 Ashwini Saxena.

6. Order on charge dated 24.02.2026 is on record which also clearly indicates that as far as husband Ajay Saxena is concerned, he has been directed to be charged for offences 406/323/34 IPC only and has been discharged with respect to the other offences, including offence under Section 377 IPC. Aforesaid order also records that accused Neha and Ashwini (petitioner No. 4 in the earlier petition) stand completely discharged.

7. He submits that in view of the aforesaid subsequent development, this



Court can entertain the present petition. He also submits that in terms of the earlier settlement dated 12.08.2024, parties have already obtained divorce by way of mutual consent on 05.11.2024.

8. Complainant/respondent No. 2 has agreed to accept a total sum of Rs. 11 lacs. Entire such amount has been paid to respondent No. 2 who is present in person with her mother and brother. Investigating officer is also present. Respondent No. 2 has been duly identified by the investigating officer.

9. When Asked, respondent No. 2 submits that she has already received entire settlement amount of Rs. 11 lacs which also includes a sum of Rs. 3,25,000/- by way of demand draft bearing No. 793581 dated 15.04.2026 drawn on Punjab National Bank, Johri Pur, Shiv Vihar, Delhi-110094. She submits that the aforesaid amount also takes care of the compensation with respect to jewellery/*istridhan* articles. She states that she has entered into the abovesaid settlement out of her own free will, without any coercion and influence from any corner whatsoever and therefore, she would have 'no objection' if FIR in question is quashed.

10. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose.

11. Accordingly, exercising inherent powers vested in this Court under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023*, it is deemed appropriate to quash the instant FIR.

12. Consequently, to secure the ends of justice, FIR No. 0242/2019 dated 24.02.2022, registered at Police Station Jyoti Nagar, along with all consequential proceedings arising therefrom, is, hereby, quashed. Original affidavits of the parties, copies of which have been placed on record in the



present proceedings, shall be submitted before the learned Trial Court within two weeks from today, so that these become part of Trial Court Record.

13. The petition stands disposed of in aforesaid terms.
14. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 29, 2026/dr/sy