



2026:DHC:1634



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

% *Reserved on: 4<sup>th</sup> December, 2025*

*Pronounced on: 24<sup>th</sup> February, 2026*

+ **CRL.M.C. 1896/2021, CRL.M.A. 12957/2021 & 34182/2025**

**1. NIKUNJ SANGHANI @ NICUNJ SANGHANI**

S/o Sh. Rajesh V. Sanghani  
R/o 5, Ginesi Ct. Edison,  
New Jersey – 08817

.....Petitioner No. 1

**2. RAJESH SANGHANI**

S/o Vasantrai Sanghani

.....Petitioner No. 2

**3. MADHU SANGHANI**

W/o Sh. Rajesh Sanghani

.....Petitioner No. 3

**4. RUSHABH SANGHANI**

S/o Sh. Rajesh Sanghani

.....Petitioner No. 4

All Petitioners No. 2 to 4  
R/o Plot No. 14, First Floor,  
Sanskriti Apartments,  
Samta Layout Ambazari Nagpur,  
Maharashtra – 440033.

Through: Mr. Shashi Shanker, Advocate

versus

**1. STATE OF NCT OF DELHI**

.....Respondent No. 1

**2. RIDHI KUNDRA**

D/o Dels Kundra  
R/o A-6/A, Mansarovar Garden,  
New Delhi – 110015.

.....Respondent No. 2

Through: Mr. Shoaib Haider, APP for the State



with SI Dhananjay Gupta and ASI  
Anil Kumar, PS: Kirti Nagar.  
Mr. Vineet Agarwal, Adv. for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T**

**NEENA BANSAL KRISHNA, J.**

1. The present Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking the **quashing of FIR No.0478/2020** registered at Police Station Kirti Nagar, Delhi, under **Sections 498A/406/34 of the Indian Penal Code (IPC)**, and all consequent proceedings emanating therefrom.
2. The Petitioners invoke the inherent powers of this Court on the ground that the matrimonial dispute between the parties has already been settled amicably by way of a Property Settlement Agreement and a subsequent Decree of Divorce granted by a Competent Court in USA, and the continuation of the present criminal proceedings, constitutes an abuse of the process of law.
3. *Briefly stated*, the marriage between **Petitioner No. 1/Nikunj Sanghani/Husband** and **Respondent No. 2/Ridhi Kundra/Wife** was solemnized on 03.07.2017 in New Delhi, according to Hindu rites and rituals. Shortly thereafter, on 14.07.2017, Petitioner No. 1 returned to the USA to resume his employment. Respondent No. 2 joined him in the USA on 02.11.2018, after residing at her parental home for approximately 15 months. During her stay in India, she allegedly visited her matrimonial home in Nagpur, only twice or thrice.



4. On 17.05.2019, Petitioner No. 1 **filed for Divorce in the Superior Court of New Jersey, Middlesex County**. Respondent No. 2 was served the Notice on 24.05.2019. On 27.05.2019, Respondent No. 2 reported a *domestic violence incident*, to the US police. Upon investigation, the police identified Petitioner No. 1 as the victim; Respondent No. 2 was arrested for domestic violence, though Petitioner No. 1 ultimately did not press the charges.
5. Subsequently, on 15.08.2019, Respondent No. 2 filed another *Domestic Violence Complaint*, leading to a *temporary Restraining Order*. However, after a hearing, the US Court dismissed the Complaint on 12.09.2019, observing that the allegations were not substantiated.
6. While proceedings were pending in the USA, Respondent No. 2 initiated legal action in India. On 25.07.2019, she filed a *Complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005*. On 09.08.2019, she also filed a *Complaint with the Crime Against Women (CAW) Cell, Kirti Nagar*, alleging harassment and retention of *stridhan*.
7. The parties amicably resolved their disputes and entered into a **Property Settlement Agreement on 02.01.2020, in New Jersey**. Under this Agreement, both the parties waived all rights to alimony and discharged each other from all claims. Petitioner No. 1 paid a total sum of \$15,000 (approx. Rs. 11 Lakhs) to Respondent No. 2, as a full and final settlement.
8. Consequently, on the same day i.e. 02.01.2020, a Dual Final Judgment of Divorce was passed by the Superior Court of New Jersey, dissolving the marriage and incorporated the terms of the settlement.



9. Despite the comprehensive Settlement and receipt of the settlement amount, Respondent No. 2 did not withdraw her Complaint in India. As a result, *FIR No. 478/2020* for offences under Sections 498A/406/34 IPC, *was registered at Police Station Kirti Nagar on 18.12.2020*, nearly a year after the divorce. Notices under Section 41A Cr.P.C. were subsequently issued to the Petitioners, in July 2021.

10. The Petitioners have sought **the quashing of the FIR** and consequent proceedings, on the **grounds** that the continuation of the present criminal proceedings, is a *gross abuse of the process of law*. The matrimonial dispute between the parties, has already been fully and finally settled *vide* the Property Settlement Agreement dated 02.01.2020. Since the marriage stands dissolved by a Competent Court in the USA based on this mutual Agreement, continuing criminal prosecution on the same set of facts, constitutes harassment.

11. The Petitioners submit that the Complainant/Respondent No. 2 approached the Police authorities, *with unclean hands*. It is alleged that she deliberately concealed the factum of the Divorce Decree dated 02.01.2020 and the Property Settlement Agreement, from the CAW Cell and the Investigating Officer. By suppressing the crucial information that she had already resolved all disputes and accepted a full and final settlement, she misled the authorities into registering the FIR on 18.12.2020, nearly a year after the settlement.

12. The Petitioners contend that Respondent No. 2 cannot be permitted to *'blow hot and cold'* simultaneously. Having voluntarily entered into the Settlement Agreement in the USA, waived her right to alimony/maintenance, and accepted the settlement amount of \$15,000



(approx. Rs. 11 Lakhs), *she is estopped from resurrecting the same dispute in India*. The Petitioners term this as an attempt to gain ‘*double benefit*’ - retaining the financial settlement from the US court while simultaneously, pursuing criminal coercion in India for further extraction.

**13.** It is submitted that the allegations of *domestic violence and cruelty* raised in the FIR, are identical to those raised by Respondent No. 2 in the USA. The Superior Court of New Jersey, after due adjudication, had already dismissed her Domestic Violence Complaint on 12.09.2019, finding the allegations unsubstantiated.

**14.** The Petitioners claims that the Complainant is *engaging in forum shopping by re-litigating issues in India*, that have already been decided by a competent foreign court.

**15.** The Petitioners submit that Petitioners No. 2 to 4 (the parents and brother of the husband/Petitioner No.1) are residents of Nagpur and have been falsely implicated. The Respondent No. 2 resided in the matrimonial home in Nagpur, for a negligible period during her 2-3 visits. The allegations in the FIR against the in-laws are general, vague, and omnibus, lacking specific dates or instances of cruelty, and are made solely to exert pressure on the husband.

**16.** Furthermore, the primary cause of action, if any, arose in USA, where the parties cohabited as husband and wife. The allegations pertaining to the brief period in India, are claimed to be concocted, to create artificial jurisdiction in Delhi.

**17.** The Petitioners assert that the FIR was registered as a weapon of harassment after the Complainant had already secured a divorce and financial settlement. The criminal law should not be used for settling



personal scores, rendering the prosecution malicious and liable to be quashed.

**18.** *Thus, it is prayed that the Petition be allowed and the FIR be quashed.*

**19.** *Respondent No. 2 has filed a detailed Counter Affidavit* vehemently opposing the present Petition for quashing. It is submitted that the Petition under Section 482 Cr.P.C. is not maintainable, as the FIR discloses the commission of cognizable offences which require a thorough trial. The Respondent contends that disputed questions of fact regarding the cruelty meted out to her, cannot be adjudicated in quashing proceedings and must be tested during the trial.

**20.** The Respondent further submits that the **FIR No. 478/2020** pertains to specific acts of cruelty and criminal breach of trust (*misappropriation of stridhan*), committed within the territorial jurisdiction of India (Delhi and Nagpur). The proceedings in the USA were limited to the dissolution of marriage under US laws and does not extinguish the criminal liability of the Petitioners, for offences committed under the Indian Penal Code.

**21.** A primary ground of opposition is that the *Petitioners are still in possession of the Respondent's jewellery and valuable articles entrusted to them at the time of marriage.* The Respondent denies that the settlement amount of \$15,000 covered the value of her entire *stridhan*. It is asserted that the offence under Section 406 IPC is a continuing offence, and until the articles are returned, the FIR cannot be quashed.

**22.** The Respondent contends that the *Property Settlement Agreement* dated 02.01.2020 relied upon by the Petitioners, was signed under compelling circumstances in a foreign land, where she was alone and under



duress. She states that a contract entered to stifle a criminal prosecution, is *void ab initio* and cannot be the sole basis for quashing an FIR for serious offence like Section 498A IPC.

**23.** The Respondent relies on the Legal Notice dated 03.04.2021 sent by her counsel to Petitioner No. 1, explicitly informing him that the *Domestic Violence case bearing MC No. 405/2019, was pending and active*. This demonstrates that there was no consensus ad idem regarding the closure of Criminal Complaints in India, and the Petitioners were well aware that the grievance regarding domestic violence in India, remained unresolved.

**24.** It is alleged that Petitioner No. 1 deserted the Respondent in USA and manipulated the foreign legal system, to obtain a divorce. The Respondent emphasizes that she was forced to return to India empty-handed and the registration of the FIR was a necessary recourse to seek justice for the harassment faced by her and her parents.

**25.** Finally, the Respondent submits that since the marriage was solemnized in New Delhi and the initial acts of demand for dowry and harassment occurred here, the Courts in Delhi have the competent jurisdiction to try the offences, irrespective of the subsequent *Foreign Decree*.

**26.** *Thus, it is prayed that the Petition be dismissed.*

**27. Written Submissions have been filed on behalf of Respondent No.2,** wherein she has reiterated her stance in the Counter affidavit.

**28. The Petitioners have filed a Rejoinder** to the Counter Affidavit, reiterating the contents of the Petition and denying the allegations made by the Respondent No. 2.



**29.** The Petitioners deny the Respondent's contention that the Property Settlement Agreement dated 02.01.2020, was signed under duress. It is submitted that the Agreement was executed in the presence of legal counsel and subsequently incorporated into the Dual Final Judgment of Divorce by the Superior Court of New Jersey. *The US Court, before accepting the agreement, satisfied itself regarding the voluntariness of the parties.* The Respondent, having taken the benefit of the judgment and the financial Settlement, cannot now turn around and challenge its validity in India.

**30.** Regarding the allegation of unreturned *stridhan*, the Petitioners rely on the specific clauses of the Settlement Agreement wherein both parties agreed to “*discharge each other from all suits, actions, claims, demands and obligations whatsoever*”. It is argued that the payment of \$15,000 (approx. Rs. 11 Lakhs) was a global settlement covering all financial claims, including alimony, maintenance, and property distribution.

**31.** Therefore, the claim for *stridhan* stands extinguished by the mutual waiver.

**32.** The Petitioners assert that the Respondent's conduct of accepting the divorce and money in January, 2020 but keeping the Indian criminal Complaint alive to result in an FIR in December 2020, demonstrates *mala fide* intent. The Legal Notice sent by the Respondent in April 2021, claiming the Domestic Violence case was still pending, is termed as an abuse of the process of law designed to extort further monies from the Petitioners, despite the full and final settlement.

**33.** It is reiterated that the allegations of domestic violence were already adjudicated and dismissed by the US Court on 12.09.2019, as unsubstantiated.



**34.** *Status Report* has been filed on behalf of the State detailing the Complaint filed by Ms. Ridhi Kundra, Respondent No.2. It is stated that an Application for Cruelty and Violence was submitted at CAW Cell West district. The Complainant joined the enquiry as and when she was summoned by CAW Cell and after that she moved to USA, due to job obligations.

**35.** The Applicant and other alleged persons, never joined the enquiry and counselling sessions conducted by CAW Cell, West District, despite repeated Notices served on them. During the pendency of enquiry at CAW Cell, the Mutual Divorce was finalised on 02.01.2020 in New Jersey, USA.

**36.** It is stated that after completion of enquiry, the FIR was registered on the basis of Enquiry Report forwarded by CAW Cell West District. During the course of investigation, Notice under Section 91 Cr.P.C. was served to the Complainant for production of marriage proof and Complainant submitted all the relevant documents related to her marriage and the proof of physical violence.

**37.** The Notice under Section 41A Cr.P.C. was served on the husband Petitioner to join the investigation through e-mail, to which the Petitioner never responded. Notices under Section 41A Cr.P.C. were served to other alleged persons by India Post (Speed Post) and through WhatsApp; however no responses were received, and they were deliberately avoiding due process of law.

**38.** The present Petition is strongly opposed as the alleged persons never joined the investigation, despite the service of Notice. It is further stated that *Stridhan* and jewellerys of Complainant are still in possession of her in-laws, which are yet to be recovered.



39. *Therefore, the Petition is opposed.*

**Submissions heard and record perused.**

40. Petitioner No.1 Nikunj Sanghani got married with Respondent No.2 Ridhi Kundra on 03.07.2017. Soon thereafter, Petitioner No.1 left for USA, while Respondent No.2 joined him later on 03.11.2018. Thereafter, difference arose between them, resulting in various Complaints against each other.

41. It is pertinent to note that Respondent No.2 herself has placed on record, copy of *Compromise dated 06.05.2019*, wherein both Petitioner No.1 and Respondent No.2 agreed to conduct themselves in certain way and that they would not talk anything about divorce. It was also agreed that Respondent No.2 would not criticise or talk ill about Petitioner No.1 or his family on Facebook or WhatsApp or in friends. Likewise, Petitioner No.1 also agreed that he would not compel Respondent No.2 to give birthday wishes to any of his family members. It was agreed that they both would not talk about their first marriage.

42. Likewise, Respondent No.2 has placed on record *another Compromise/Agreement dated 01.01.2019*, wherein also they arrived at an agreement to make their marriage work, whereby Petitioner No.1 undertook to bear all expenses of the house and payment of bills etc. and to separately deposit 500 USD in the account of Respondent No.2, every month for her personal expenses. They agreed that they would not involve their parents on every small disagreement. Respondent No.2 would not tell internal details to neighbours or any other person and that she would directly talk to Petitioner No.1, rather than dropping hints of what she was wanting. They would not compare each other, with their parents.



43. It is evident from these two documents placed on record by Respondent No.2 herself that soon after she returned to USA on 03.11.2018, there were temperamental difference between them and they tried to sort it out by agreeing to certain terms, so as to ensure that small indifference do not become bigger problem.

44. However, despite these endeavours by them to settle their matrimonial life, there was Report dated 27.05.2019 about *Domestic Violence Incident*, which happened *inter se* the parties. But, Police found that it was Petitioner No.1, who was the victim of *Domestic Violence* and the Complaint was closed, as Petitioner No.1 was not inclined to pursue it.

45. From these incidents and the settlements, it is evident that things did not work out between the two and Divorce Petition got filed by Petitioner No.1 in USA.

46. On the other hand, Respondent No.2 filed DV Act Petition in India on 25.07.2019 and a Complaint in CAW Cell against the Petitioners on 09.08.2019.

47. However, eventually parties arrived at property settlement agreement for divorce which was presented by them in the *Superior Court of New jersey Family Part, Middlesex County* and **Dual Final Judgment of divorce was passed on same date, i.e. 02.01.2020**, wherein it was recorded that parties had amicably settled all their matrimonial disputes and had agreed for divorce, which was granted. In the Property Settlement Agreement, which was annexed with the Divorce Decree, it was agreed as under:

“Page 1



*WHEREAS, the Parties by the Agreement desire to settle all questions pertaining to alimony, equitable distribution of property, and all other issues incidental to the marriage;*

*Page 6 point "o"*

*The parties have equitably and amicably distributed their movable assets and personal possessions*

*Page 8 Point 10*

*Except as otherwise herein expressly provided, the parties shall and do hereby mutually remise, release, and forever discharge each other from all suits, actions, claims, demands, and obligations whatsoever, both in law and in equity which either of them had, or has, or may hereinafter have against the other upon or by reason of any matter, cause or thing up to the date of execution of this agreement, except in only a cause of action for divorce.*

*Page 9 Point 12*

*Except as herein otherwise provided, each party may dispose of his or her property in any way and each party hereby waives and relinquishes any and all rights he or she may now have or hereinafter acquire under the present or future laws of any jurisdiction, to share in the real and personal property or the estate of the other as a result of the marital relationship, including without limitation, dowry, curtsy, right to equitable distribution, statutory allowance, widow's allowance, homestead rights, rights to take in intestacy, right to take against the will of the other, and the right to act as administrator or executor of the other's estate, and each party will, at the request of the other, execute, acknowledge and deliver any and all instruments that may be necessary or advisable to carry into effect this mutual waiver and relinquishment of all such interest, right and claim."*

**48. The Divorce thus, got finalised between the parties.** However, since the settlement of all the disputes alimony and divorce pertained only to



USA, Respondent No.2 continued to pursue her Complaint under 498A IPC, which eventually resulted in registration of present FIR No.0478/2020 on 18.12.2020. *Petitioners have sought quashing of this FIR.*

**I. Allegations against Husband/ In-Laws (Petitioners) in the FIR No. 478/2020 under S.498A/406/34 IPC:**

**49.** As regards Petitioners No. 2 to 4 (the parents and brother of the husband), they are residents of Nagpur.

**50.** The Respondent No. 2 admittedly resided in India for a very brief period after marriage and visited the matrimonial home in Nagpur only 2-3 times. The allegations in the FIR against them are vague, general, and lack specific instances of cruelty. The allegations are extracted as under:

*“... After joining matrimonial home my husband stayed with me for few days and left me with my in-law. When my husband left,--- **the in-laws started torturing me on one or other pretext. My mother-in-law took all my jewelry as she said that I am new to Nagpur and it is not a safe place to wear all this.** Accused No. 4 (Rushabh Sanghani) used to ask me for physical relations and many times tried to grab me without consent. When I told this to my husband over the phone he started shouting upon me and asked me not to tell this to anyone. Accused no. 4 also exiled his wife and facing cases. Even when I asked my husband to arrange a ticket for me to go to America as my husband is US citizen then my husband and my in-laws asked me to conduct pre-natal sex determination, else they would not allow me to go to America. After my denial they said either I should abort the fetus or leave our place. On 17<sup>th</sup> October 2019(sic) I had to abort the fetus as my in-laws sent me to Delhi and my husband, in-laws said if I would not abort this child then forget us and stay at your parental home always. After this I*



*went to America and started living my husband there I came to know that my husband never wanted a child and his plan was to divorce in USA. My husband filed a fake domestic violence case and also divorce case in USA. My father-in-law directly threatened my father that if I do not sign the divorce paper then my husband would not withdraw domestic violence case filed against me and we have the recorded communication for the same. My in-laws used to taunt me on bringing less dowry and when I used to resist then they used to beat me. All of my stridhan and valuable items in the custody of my –in-laws and they do not want to return the same. I also filed a Domestic violence case against accused no. 1- 4 in Delhi Tis Hazari Courts. I have to travel to USA to contest the divorce and domestic violence case filed against me by accused no. 1. ...”*

**51.** From the aforesaid allegations made in the Complaint, it emerges that allegations are not only vague, ominous but lacks specifics.

**52.** It is claimed that after her marriage she went to stay with her in-laws in Nagpur. She claimed that her mother-in-law took her jewellery on the pretext that she was new in Nagpur and it would not be safe for her to wear them. Pertinently, no detail of the jewellery items, has been specified in the Complaint. Respondent had asserted that jewellery was worth Rs.40,00,000/-, but no receipt or any other document has been annexed as proof. The allegations made in this regard are only ominous.

**53.** She has further stated in her Complaint that her *stridhan* and valuable items is in custody of her in-law, who does not want to return the same. Again, there is no specific averment, as to when she had requested for return of her valuable items of jewellery or the *stridhan*. It is all a vague and ominous assertions, targeted only towards mother-in-law which lack specifics and do not disclose any offence under Section 406 IPC.



**54.** In regard to *cruelty and harassment*, it is claimed that accused *Petitioner No.4 Rushabh Sanghani* used to ask her for physical relations and many a times tried to grab her without consent. When she told this to her husband / *Petitioner No.1*, he started shouting at her and asked her not to tell about this to anyone. Again, there is no specific date or detail, except the ominous allegation of accused *Petitioner No.4* for asking for physical favours.

**55.** Next allegation made by *Respondent No.2* is that when she wanted to go USA in October, 2018, she was forced to get pre-natal sex determination test done, before she was allowed to go to USA. On 17.10.2018 (October, 2018) she was sent to Delhi, where she had to abort the child.

**56.** She herself has placed on record the medical documents. *Discharge summary of Maharaja Agrasen Hospital, West Punjabi Bagh, New Delhi*, shows that she was admitted in the Hospital on 17.10.2018 and discharged on the same day. She was diagnosed *Primi @ 7 Weeks 5 Days with Incomplete Abortion (RPOC in Ultrasonography)*. Consequently, her DNC was gone under general anesthesia.

**57.** Her medical record shows that abortion had to be done on account of incomplete abortion. There was no document to show that she got pre-natal sex determination test done, nor is there any allegation that *Petitioners* were in any way, responsible for abortion.

**58.** *Respondent No.2* claimed that when she went to USA and started living with her husband, she came to know that he never wanted a child and his plan was to divorce her in USA. Again, no cruelty or harassment against the *Petitioners* is made out, on these allegations. It clearly reflects the incompatibility and adjustment issues, which are also corroborated by the



Agreements/Compromise dated 06.05.2019 and 01.01.2019 entered *inter se* between them, in an endeavour to crease out the differences.

**59.** In the end, she claims that her in-laws used to taunt her for bringing less dowry and when she used to resist, they used to beat her. Again, at the cost of repetition, it is noted that these allegations are ominous and do not give any specific details.

**60.** The Supreme Court in *Preeti Gupta vs. State of Jharkhand*, (2010) 7 SCC 667 cautioned against the tendency of implicating all immediate relations of the husband in 498A complaints, to exert pressure. In the absence of specific, distinct allegations, continuing proceedings against elderly in-laws who live in a different state would be a travesty of justice.

**61.** In the case of *Dara Lakshmi Narayana and Others vs. State of Telangana and Another*, 2024 SCC OnLine SC 3682, the Apex Court while dealing with the components of Section 498A of IPC, 1860 and to ascertain whether the same are attracted on vague allegations raised by the wife, observed that the contents of the Complaint may be assessed to see if there is any kind of cruelty as contemplated in Clause 1 or if there is any harassment for dowry as contemplated in Clause 2 is made out. If the allegations in the FIR are found to be vague and ambiguous and lack precise allegations which are alleged after the Notice of Divorce, then it may be concluded that the FIR has been lodged as a retaliatory measure intended to settle the score with the husband and his relatives. In such a situation, the quashing of the FIR is justified.

**62.** In the light of the aforesaid judgements, it emerges that it espouses vague allegations, which cannot be termed as cruelty or harassment of the kind envisaged in S.498-A/ S.406 IPC.



## **II. Whether the FIR Deserves to be Quashed:**

63. Another significant aspect is that because of the differences between the Parties, they took the Divorce and also executed a Property Settlement Agreement on 02.01.2020, in the State of New Jersey, USA. A perusal of the said Agreement reveals that it was intended to be a comprehensive and final resolution of all disputes between the parties.

64. The Agreement pertained to settlement of all issues concerning the marriage between the parties. The relevant portion is extracted as under:

*“WHEREAS, the Parties by the Agreement desire to settle all questions pertaining to alimony, equitable distribution of property, and all other issues incidental to the marriage;”*

65. The Agreement specifically provided for a payment of \$15,000 (approx. Rs. 11 Lakhs) by Petitioner No. 1 to Respondent No. 2, which was duly accepted. The agreement further contained clauses wherein both parties discharged each other from “all suits, actions, claims, demands and obligations whatsoever.” The relevant portion is extracted as under:

*“Except as otherwise herein expressly provided, the parties shall and do hereby mutually remise, release, and forever discharge each other from all suits, actions, claims, demands, and obligations whatsoever, both in law and in equity which either of them had, or has, or may hereinafter have against the other upon or by reason of any matter, cause or thing up to date of execution of this agreement, except in only a cause of action for divorce.”*

66. Based on this agreement, a Dual Final Judgment of Divorce was passed on the same day. The relevant portion of the judgment is as under:

“  
...  
*ORDERED AND ADJUDGED that the Plaintiff, Nikunj Sanghani, and the Defendant, Ridhi Sanghani, be divorced*



*from the bond of matrimony and the parties, and each of them be freed and discharged from the obligations thereof and the marriage is dissolved by mutual consent;*

.....

*IT IS FURTHER ORDERED AND ADJUDGED, that the parties are directed to comply with each and every obligation to which they have subscribed in the aforementioned written Property Settlement Agreement;*

...”

**67.** On a bare perusal of the Agreement and the Judgment, this Court finds that Respondent No. 2, having voluntarily submitted to the jurisdiction of the US Court, engaged legal counsel, and had accepted the financial consideration for the Settlement.

**68.** While it has been rightly agitated that the Divorce/Settlement was only pertaining to Property in USA, and does not impact her rights in India, but it cannot be overlooked that the allegations of cruelty knows no boundary. It is an offence against the body and mind and cannot be compartmentalized.

**69.** The Settlement and the Divorce, are material factors for consideration, in the present Petition while considering whether criminal proceedings under Section 498A/406 IPC can be permitted to continue when the parties have admittedly dissolved their marriage through a mutual consent divorce decree in a foreign court, which incorporated a comprehensive Property Settlement Agreement involving financial payments that have been duly honoured by the husband. The very nature of a Property Settlement Agreement in matrimonial discord, reflects a settlement with intent of moving forward. It is significant to observe that parties in their settlement before the Court in USA had agreed that all their



differences stand settled. Once, all the differences got settled, continuation of present FIR is nothing but an abuse of process of law.

**70.** It is a settled proposition of law that the High Court, in the exercise of its inherent powers under Section 482 Cr.P.C., can quash criminal proceedings to prevent the abuse of the process of the court or to secure the ends of justice. The Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and Narinder Singh vs. State of Punjab, (2014) 6 SCC 466 has held that in matrimonial offences, which are private in nature, the Court should encourage settlement.

**71.** The conduct of Respondent No. 2 invites the application of the doctrine of estoppel. She cannot be allowed to approbate and reprobate, that is, to accept the benefits of the settlement by way the money and the divorce on the one hand, and to repudiate the obligations like closure of disputes, on the other hand. The timeline is telling of this conduct of the Respondent No.2:

- a) Jan 2020: Respondent No. 2 accepts \$15,000 and the Divorce Decree.
- b) Dec 2020: FIR No. 478/2020 is registered in Delhi.
- c) April 2021: Respondent sends a legal notice claiming the DV case is pending.

**72.** It is evident that after taking the settlement amount, the Respondent No. 2 maintained a silence for nearly a year, before pursuing the police case in India.

**73.** Furthermore, in Ruchi Agarwal vs. Amit Kumar Agrawal, (2005) 3 SCC 299, the Apex Court held that once a wife enters into a compromise, accepts the financial benefit under it and obtains a divorce, she cannot be



permitted to turn around and pursue a criminal complaint. Such conduct amounts to an abuse of the process of law.

74. The circumstances reflect that after burying the hatchet and settling all the disputes and moving on in their respective lives, the continuation of this litigation, would amount to a gross abuse of the process of law.

**Conclusion:**

75. The guiding tests in regard to the quashing of the FIR, had been succinctly stated in the case of *State of Haryana vs. Bhajan Lal*, 1992 Supp (1) SCC 335 wherein it is observed that if the allegations made in the FIR or Complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is a sufficient ground for proceeding against the Accused and where the criminal proceedings are manifestly attended with *mala fide* or a maliciously instituted with an ulterior motive for wreaking vengeance on the Accused due to private and personal grudge, the FIR is liable to be quashed.

76. In light of the above analysis, it emerges that the disputes between the parties stand validly settled *vide* the Agreement dated 02.01.2020 and parties have taken Divorce. Moreover, ***the allegations against the husband/in-laws are general and omnibus, which are insufficient to sustain a criminal trial.***

77. In the light of aforesaid discussion, to allow the proceedings in FIR No. 478/2020 to continue, would be an *abuse the process of the Court and not in the interest of justice.*



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**78.** Consequently, the FIR No. 478/2020 along with all the proceedings emanating therefrom, is hereby quashed. The petition is accordingly, allowed. Pending Applications are disposed of, accordingly.

**(NEENA BANSAL KRISHNA)  
JUDGE**

**FEBRUARY 24, 2026/R**