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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 03.07.2025*+ **CRL.M.C. 5839/2022**

SULTAN

.....Petitioner

Through: Ms. Niharika Rai, Adv.

versus

THE STATE (NCT OF DELHI) AND ORS.Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State along with
SI Kamlesh Kumar.
Mr. Om Prakash Gupta, Adv.
for R-3.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J (ORAL)**

1. By way of the present petition, the petitioner seeks quashing of FIR bearing No. 47/2019, registered at Police Station Pul Prahladpur, South East, Delhi and chargesheet No.1 dated 18.06.2019 for the offence punishable under Sections 498A/406/509/34 of the Indian Penal Code, 1860 (hereafter 'IPC') and proceedings arising out of it qua him.

2. Briefly stated, the facts of the present case are that the marriage of respondent No.3 was solemnized by her parents on 06.12.2015 with Faiz Alam (main accused), in accordance with



Muslim rites and customs. It is alleged that after two to three months of marriage, the conduct of the respondent's in-laws turned hostile and cruel. Her husband, under the constant instigation of his father Abdul Rehman, mother Fatma, and brother Iliyas, subjected the complainant to physical assault on multiple occasions, citing dissatisfaction with the dowry. It is specifically alleged that they demanded ₹2 lakhs in cash from her father, stating that the amount was required for her husband to purchase a car and establish his business. As her father was financially incapable of fulfilling the demand, the harassment escalated further. The complainant was subjected to verbal abuse, denied food, and confined to a room. Upon visiting her maternal home, she disclosed the instances of cruelty and dowry harassment to her uncle Khurshid Ahmed, who assured her that he would speak to her in-laws. Based on this assurance, she returned to her matrimonial home; however, the harassment persisted, and she was once again physically assaulted and mentally tortured. In January 2017, due to repeated threats from her husband, she was compelled to return to her parental home. Pursuant to her complaint, the present FIR was registered against the petitioner and the other accused persons.

3. The learned counsel appearing for the petitioner states that the petitioner has nothing to do with the offence in question. She also states that the petitioner has been falsely implicated in this case as the petitioner is the maternal uncle of the husband and is not a middleman in the marriage. It is submitted that since a female child



was born out of the wedlock and the husband of the complainant was not ready to accept the child, the petitioner, being the uncle of the parties, had only tried to solve the matter at the behest of his sister and no specific role has been attributed to the present petitioner in the FIR.

4. The learned APP for the State and the learned counsel appearing for respondent no. 3 draw this Court's attention to the complaint filed in this case and specific allegations.

5. This Court has heard the arguments of the learned counsel for both the parties and perused the record.

6. Since by way of this petition, the petitioner has sought quashing of FIR, it shall be apposite to note that in case of *State of Haryana v. Bhajan Lal*: 1992 SCC (Cri) 426, the Hon'ble Supreme Court had observed that except in exceptional circumstances, where non-interference would result in miscarriage of justice, the Courts must not interfere at the stage of the investigation of an offence. Further, the principles which were laid down by the Hon'ble Apex Court, to be followed while adjudicating a petition seeking quashing of criminal proceedings, are as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it



may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.
2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.
5. Where 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 sufficient ground for proceeding against the accused.
6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”



7. In the present case, the allegations levelled against the petitioner Sultan are not general or omnibus in nature, but are specific, serious, and clearly attributed to him. As per the complaint, the petitioner, who is the maternal uncle-in-law of the complainant, actively instigated and abetted the husband and in-laws of the complainant in their persistent demands for dowry. He is alleged to have directly threatened the complainant by stating that if she did not bring ₹2,00,000/- from her parents, he would ensure such atrocities are committed upon her by her husband and mother-in-law that she could not even imagine. Furthermore, at a time when the complainant was pregnant, the petitioner visited the matrimonial home and, in the presence of other family members, accused her of carrying an illegitimate child, thereby inflicting severe mental trauma and humiliation. These allegations, taken at face value, clearly *prima facie* disclose the commission of cognizable offences under Sections 498A, 406, and 506 IPC, and do not suffer from absurdity or improbability so as to fall within the exception carved out in category 5 of *Bhajan Lal*. Nor can it be said that the proceedings have been initiated with mala fide intent or for wreaking vengeance, so as to attract category 7. Rather, the complaint discloses a pattern of sustained and systemic harassment, in which the petitioner played a direct and active role.

8. This Court is of the opinion that arguments on charge are yet to be heard and the contentions and arguments raised before this Court can be raised before the learned Trial Court at the time of hearing of



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arguments on charge.

9. Therefore, in this Court's opinion, the present petition is not a fit case where discretion can be exercised by this Court for quashing of the FIR. The petitioner however shall be at liberty to raise all the contentions raised before this Court, at the stage of addressing arguments on charge before the learned Trial Court.

10. Thus, in view of foregoing discussion, the present petition is dismissed.

11. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 03, 2025/A