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IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 07.02.2025

+ **CRL.M.C. 5903/2022**

VANEETA GUPTA & ANR.

.....Petitioners

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Akash Arora, Adv.

For the Respondents : Mr.Naresh Kumar Chahar, APP for the
State with SI Nishi, PS Greater Kailash.

**CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN**

JUDGMENT

1. The present petition is filed seeking quashing of FIR No.178/2019 dated 10.09.2019, registered at Police Station Greater Kailash, for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC'), and all consequential proceedings arising therefrom *qua* the petitioners.

2. Shorn of unnecessary details, the brief facts of the present case are as follows:



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2.1. On 10.09.2019, on the basis of a complaint made by Respondent No.2 on 20.06.2019, the FIR was registered against her husband– Mr. Sooruj Gupta, his parents and the petitioners. Petitioner No.1 is the aunt (*bua*) of Mr. Sooruj Gupta. Petitioner No.2 is the husband of Petitioner No.1 and the uncle (*fufa*) of the Mr. Sooruj Gupta.

2.2. The marriage between Mr. Sooruj Gupta and the complainant was solemnized on 06.06.2018 without any elaborate functions to make the spousal visa process for Australia easier. It is alleged that initially, the complainant and her family had denied the match, however, they were persuaded due to the reassurances of the petitioners and the complainant's father-in-law. It is alleged that the petitioners had gone to the extent of guaranteeing the happiness of Respondent No.2 despite knowing that her husband (the nephew of the petitioners) and his parents were alcoholics and they had been looking for a match to satisfy their greed.

2.3. Due to the nature of work of Respondent No.2's husband, the family had set up a household for the parties in Delhi and Mumbai. It is alleged that while the parties stayed in both the households, however, they stayed longer in the Mumbai house.

2.4. It is alleged that on 27.10.2018, on the occasion of Karva Chauth, the petitioners were present at the matrimonial residence and told Respondent No.2 that they expected her family to either buy her husband a property in Gurugram or transfer the flat in her father's



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name to the name of her husband. It is alleged that when Respondent No.2 resisted the demands, they intimidated her with threats of breaking the nuptial ties if the demands were not met and justified the demand as an investment towards the future.

2.5. It is alleged that on 04.11.2018, the husband of Respondent No.2 and his family members visited the maternal house of Respondent No.2 for Diwali and made demands for wedding functions and reiterated their demand for a property in Gurugram as well. It is alleged that on the demands of her husband's family, a wedding function was organized by the complainant's family on 10.12.2018 and 11.12.2018 in Delhi. It is alleged that demands made by the family of Mr. Sooruj in relation to jewelry and clothes were met by her parents. It is alleged that since the demands in relation to the property were not met, the parents of Mr. Sooruj refused to sit in the pheras on 11.12.2018. Respondent No.2's father-in-law misbehaved with the guests as well.

2.6. It is alleged that Respondent No.2's father-in-law and mother-in-law were not happy with the jewelry and other items gifted at the wedding and insulted Respondent No.2 due to the same. It is alleged that Mr. Sooruj's family had constantly harassed Respondent No.2 and her family with dowry demands. Respondent No.2 has also detailed other instances of harassment by the family of Mr. Sooruj, particularly his parents, and alleged that his behaviour had changed after marriage.



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It is also alleged that the jewelry of Respondent No.2 was also kept by her mother-in-law.

2.7. It is alleged that Respondent No.2 and her husband left for a vacation to London, Amsterdam and Germany on 19.12.2018. It is alleged that Mr. Sooruj hurled abuses at Respondent No.2 in public and also hurled a bottle of ginger ale at her on one instance. It is alleged that Respondent No.2's in-laws had told her that things would have been different if the demand for the property in Gurugram had been fulfilled. It is alleged that the trip was cut short and Respondent No.2 returned to India on 05.02.2019. It is further alleged that the parents of Mr. Sooruj had made demands for ₹10 lakhs as a honeymoon gift.

2.8. It is alleged that the demands became progressively more aggressive and the behaviour of Respondent No.2's husband and his family started to worsen. It is also alleged that Respondent No.2 was not given sufficient money to bear her personal expenses. The complainant allegedly suffered physical and mental abuse, helplessness and unhappiness on account of her husband and his family, whereafter, she returned to her maternal home on 15.02.2019.

2.9. It is alleged that the parents of Respondent No.2 contacted the petitioners as they had given reassurances about Mr. Sooruj and his family. They visited the petitioners on 03.03.2019, hoping for a resolution of the issues, however, it was found that Mr. Sooruj and his parents had left the country. When Respondent No.2 visited the



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Mumbai residence to get back her essential documents and personal documents, she was told that there were explicit instructions to not allow her in the house.

2.10. During investigation, a notice under Section 91 of the CrPC was served on Respondent No.2 and she furnished list of *stridhan*, bills and other documents in relation to her marriage. She stated in her statement under Section 161 of the CPC that the petitioners had pressured her to buy or transfer a property in the name of Mr. Sooruj as dowry on 27.10.2018. She further stated that the accused persons, including the petitioners, had again pressurised her on 04.11.2018 for property and gifts. The statements of the parents of Respondent No.2 were also recorded where they stated that the wedding ceremonies on 11.12.2018 and 12.12.2018 were organised at the instance of the in-laws of Respondent No.2. They stated that Respondent No.2 had informed them that her in-laws demanded ₹10 lakhs, which she denied, due to which, Mr. Sooruj had beaten her in drunkenness.

2.11. Chargesheet has been filed against the petitioners for the offence under Sections 498A/34 of the IPC. The learned Trial Court took cognizance and issued summons against the accused persons on 14.07.2022.

2.12. Aggrieved by the same, the petitioners have preferred the present petition.

3. The learned senior counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case and the



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FIR was registered on the basis of the dispute which arose out of a marital discord between Respondent No. 2 and her husband— Mr. Sooruj Gupta.

4. He submitted that the petitioners are not the immediate family members of Respondent No.2's husband and have never resided with either of them, before or after their marriage.

5. He submitted that the only specific allegation against the petitioners is that on one occasion, the petitioners told Respondent No.2 that her family should either buy her husband a property in Gurugram or transfer her father's flat to her husband. He submitted that even as per the case of Respondent No.2, she stayed with her husband in Delhi for only a few days and her primary matrimonial residence was in Mumbai. He submitted that the petitioners are residing in Delhi and they have been implicated solely to exert pressure.

6. He submitted that there is nothing to suggest as to why the petitioners, who are distant family members of her husband, and who never resided with Respondent No.2 at any time, could be motivated to allegedly demand dowry.

7. He submitted that even if the allegations are taken to be true, the same do not constitute any offence against the petitioners as there is no allegation of the petitioners meted out any harassment to Respondent No.2 as is likely to drive Respondent No.2 to commit suicide or cause grave injury to herself. He submitted that mere



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demands are insufficient to constitute the offence under Section 498A of the IPC.

8. He further submitted that there is no evidence in support of the false and frivolous allegations made by Respondent No.2 against the petitioners.

9. He submitted that Respondent No.2 has only made vague allegations against the petitioners which do not warrant any prosecution. He submitted that to check abuse of over implication in a matrimonial dispute, clear supporting material is required to proceed against other relatives of husband and they cannot be implicated in absence of any such materials. He submitted that it has been noted time and again by Courts that there is a tendency to involve various family members of the Husband into matrimonial disputes especially if the dispute has happened soon after marriage.

10. He submitted that proper investigation was not carried out and no verification was done in regards to the address of the petitioners either.

11. The learned Additional Public Prosecutor for the State submitted that the matter is at the stage of prosecution evidence. He further submitted that Respondent No.2 has categorically named the petitioners in the FIR as well as her statement under Section 161 of the CrPC, and at this stage, this Court ought not stifle the prosecution before prosecution evidence has been led.



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12. He submitted that the allegations suggest that the petitioners were also involved in the commission of the alleged offences and had made explicit demands at one instance.

13. Notice was issued to Respondent No.2 and while a counsel appeared on her behalf on 16.02.2023, however, no one appeared on her behalf thereon. Court notice was also issued to Respondent No.2 on 30.07.2024, making it clear that if no one appears on her behalf, then the matter will be proceeded in her absence. When no one appeared on behalf of Respondent No.2 despite service of notice, the arguments were heard on behalf of the petitioners and the State.

ANALYSIS

14. It is relevant to note that the petitioner has invoked the inherent jurisdiction of this Court seeking quashing of the present FIR. While this Court needs to exercise restraint in stifling prosecution, however, the inherent jurisdiction can be exercised if it is found that the continuance of criminal proceedings would be a clear abuse of process of law. The Hon'ble Apex Court, in the case of *State of Haryana v. Bhajan Lal* : 1992 Supp (1) SCC 335, had illustrated certain categories of cases where the inherent jurisdiction can be exercised to prevent abuse of process of law and secure the ends of justice. The relevant portion of the judgment is reproduced hereunder:

“102...(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 FIR 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 FIR 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.***

(emphasis supplied)

15. The Hon'ble Apex Court, in the case of ***Indian Oil Corporation v. NEPC India Limited and Others*** : (2006) 6 SCC 736, had also discussed the scope of jurisdiction under Section 482 of the CrPC to quash criminal proceedings. The relevant portion of the same is reproduced hereunder:

“12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash



complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few—Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre [(1988) 1 SCC 692 : 1988 SCC (Cri) 234] , State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , Rupan Deol Bajaj v. Kanwar Pal Singh Gill [(1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , Central Bureau of Investigation v. Duncans Agro Industries Ltd. [(1996) 5 SCC 591 : 1996 SCC (Cri) 1045] , State of Bihar v. Rajendra Agrawalla [(1996) 8 SCC 164 : 1996 SCC (Cri) 628] , Rajesh Bajaj v. State NCT of Delhi [(1999) 3 SCC 259 : 1999 SCC (Cri) 401] , Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. [(2000) 3 SCC 269 : 2000 SCC (Cri) 615] , Hridaya Ranjan Prasad Verma v. State of Bihar [(2000) 4 SCC 168 : 2000 SCC (Cri) 786] , M. Krishnan v. Vijay Singh [(2001) 8 SCC 645 : 2002 SCC (Cri) 19] and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque [(2005) 1 SCC 122 : 2005 SCC (Cri) 283] . The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted



only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.”

(emphasis supplied)

16. It is true that in case it is found that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance, this Court ought to look into the FIR with care and little more closely. The Court can look into the attending circumstances emerging from the record of the case and can read between the lines. If the allegations are far-fetched and it appears that the provisions of Section 498A of the IPC are misused, the Court can interfere while exercising powers under Section 482 of the CrPC [Ref. *Mahmood Ali & Ors. v. State of U.P & Ors. : 2023 SCC OnLine SC 950*; *Abhishek v. State of Madhya Pradesh : 2023 SCC OnLine SC 1083* and *Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors. : (2022) 6 SCC 599*].

17. In the present case, it is the case of the prosecution that Respondent No.2 was harassed and subjected to cruelty by her husband and his family members, including the petitioners, for dowry.



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18. It is pertinent to note that the present petition has been preferred by only two of the accused persons, that is, the aunt and uncle of the husband of Respondent No.2. Therefore, this Court is limiting its consideration to the facts and findings in relation to the aforesaid accused persons.

19. It is the case of the petitioners that they have been falsely implicated in the present case, even though, they are distant relatives of the husband of Respondent No.2 and they did not reside with her at any point in her marriage.

20. In the present case, the petitioners are stated to be the distant relatives of the husband of Respondent No.2. The Hon'ble Apex Court in the case of *Preeti Gupta v. State of Jharkhand* : (2010) 7 SCC 667, has cautioned against the tendency of implicating the husband and all his closer relations in cases relating to offence under Section 498A of the IPC. It was also noted that exaggerated version of events are reflected in a large number of cases.

21. Relying upon *Preeti Gupta v. State of Jharkhand* (*supra*) and a number of other judgments, the Hon'ble Apex Court in the case of *Payal Sharma v. State of Punjab* : 2024 SCC OnLine SC 3473 had quashed the FIR by finding the allegations were generic in nature. It was also observed that Courts should consider if it is a case of over implication when the implicated relatives are not residing in the same house as the victim. It was noted that it is incumbent on the Court to ascertain whether implication of a person who is not a close relative of



the family of the husband is over implication or if it is an exaggerated version solely to implicate the accused persons. The relevant portion is reproduced hereunder:

*“9. In the decision in **Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667]**, this Court observed that it is a matter of common knowledge that in matrimonial disputes exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of sufferings of ignominy, it was further held therein. **We have no hesitation to hold that the said observation of this Court is in fact, sounding of a caution, against non-discharge of the duty to see whether implication of a person who is not a close relative of the family of the husband is over implication or whether allegation against any such person is an exaggerated version, in matrimonial disputes of this nature.** In this context, it is to be noted that the term ‘relative’ has not been defined in the statute and, therefore, it must be assigned a meaning as is commonly understood. Hence, normally, it can be taken to include, father, mother, husband or wife, son, daughter, brother, sister, nephew, niece, grandson or granddaughter of any individual or the spouse of any person. To put it shortly, it includes a person related by blood, marriage or adoption. In paragraph 35 of Preeti Gupta's case (supra) it was furthermore held thus:—*

*“...**The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion.** The allegations of the complainant are required to be scrutinized with great care and circumspection.”*

*10. In such circumstances, normally against a person who is not falling under any of the aforesaid categories when allegations are raised, in the light of the observations made in Preeti Gupta's case (supra), **the Court concerned owes an irrecusable duty to see***



whether such implication is over implication and/or whether the allegations against such a person is an exaggerated version. We have already taken note of the fact that except the observation made in paragraph 7 there is no consideration at all of the contentions of accused No. 5 in the impugned order.

11. In the decision in ***Geeta Mehrotra v. State of U.P.*** [(2012) 10 SCC 741], this Court held that mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the tendency of over implication viz., to draw the entire members of the household in the domestic quarrel resulting in matrimonial dispute, especially when it happens soon after the wedding. In the decision in ***Kahkashan Kausar @ Sonam v. State of Bihar*** [(2022) 6 SCC 599], this Court quashed proceedings in so far as family members of the husband on the ground that the allegations against them are general and ominous in nature. **In matters like the one at hand when relatives not residing in the same house where the alleged victim resides, the courts shall not stop consideration by merely looking into the question where the accused is a person falling within the ambit of the expression 'relative' for the purpose of Section 498-A, IPC, but should also consider whether it is a case of over implication or exaggerated version solely to implicate such person(s) to pressurise the main accused.** It is also relevant to refer to the decision of this Court in ***State of Haryana v. Bhajan Lal*** [1992 Supp (1) SCC 335], wherein after considering the statutory provisions and the earlier decisions, this Court referred to various categories of cases where the inherent powers under Section 482, Cr. P.C. could be exercised by High Court to prevent abuse of process of Court or otherwise to secure ends of justice. ***One among such categories is where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent man could ever reach a just conclusion that there is sufficient ground for proceeding against an accused.***”

(emphasis supplied)

22. The present case, however, stands on a slightly different footing insofar as while there are multiple causal references to harassment by the family members of her husband, however, in the FIR, the



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complainant has also made a specific allegation *qua* the petitioners in the FIR, *albeit* without any supporting material. It is alleged that on 27.10.2018, the petitioners had sat down Respondent No.2 and told her that they expected her family to buy a property in the name of her husband (the nephew of petitioners) or transfer the flat in her father's name to the name of her husband. It is alleged that they also intimidated her and justified the demand as an investment.

23. In the FIR, it is alleged that Mr. Sooruj and his family members had also made demands for property and gifts when they had gone to the house of Respondent No.2's parents for Diwali lunch. It is mentioned in the chargesheet that it is stated by the complainant that the accused persons, including the petitioners, had made the demands on 04.11.2018. The same clearly seems to be an improvement of the allegations as levelled in the FIR.

24. Although the FIR is not supposed to be an encyclopaedia, however, it cannot be ignored that the FIR in the present case runs into several pages and Respondent No.2 has detailed multiple facts naming the petitioners, including the reassurances given by them in relation to Mr. Sooruj's background. In such circumstances, this Court finds it unlikely that the petitioners were involved in the alleged incident on 04.11.2018.

25. Insofar as the incident on 27.10.2018, this Court considers it apposite to refer to the judgment of the Hon'ble Apex Court in the case of *Achin Gupta v. State of Haryana* : 2024 SCC OnLine SC



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759, where it was noted that in matrimonial litigations of such nature, the complainant was more likely to ensure that the basic ingredients of the alleged offence are made out. In such circumstances, as noted above, this Court can look into the attending circumstances more closely.

26. It is not disputed that the petitioners are residents of Delhi and they never stayed in the same house as Respondent No.2 during the course of her marriage. A bare perusal of the FIR shows that even as per Respondent No.2, while she and her husband had two households (in Delhi and Mumbai), however, the stay in Mumbai was for a longer duration. While the husband of Respondent No.2 and his parents stand to directly benefit from the alleged demands, the motive of the petitioners, who don't even reside with the family of Respondent No.2's husband, seems to be dubious. It is also pertinent to note that as per the FIR, the parents of Respondent No.2 sought out the petitioners for a hopeful resolution to the issues between the parties. The allegations against the petitioners, which have been levelled without any cogent supporting material, therefore, seem to be an exaggeration.

27. Even otherwise, it is relevant to note that although it is alleged that the petitioners 'intimidated' Respondent No.2 with threats of breaking the nuptial ties when they made the demands, however, the same seems to fall short of the threshold of 'cruelty' as envisaged under Section 498A of the IPC. The explanation to the aforesaid provision states that 'cruelty' means as follows-



“(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

28. Mere demand of dowry is not an offence under Section 498A of the IPC, and in the current circumstances, a simpliciter allegation of intimidation cannot be said to constitute as harassment, especially when it is the case of the complainant that the petitioners had tried to justify the same as an investment. It is also to be noted that the first instance of demand in the FIR is stated to be of 27.10.2018, whereafter, it is mentioned that the demands were initially subtle. The allegations seem to suggest that the complainant was harassed by the conduct of her husband as well as his parents who expressed their displeasure at not getting enough dowry. Multiple instances of explicit taunts and harassment at the hands of the said accused persons have been made. No such allegations of harassment have been made against the petitioners. In such a case, while the veracity of the allegations *qua* the aforesaid accused persons will be seen during the trial, in the opinion of this Court, the offence under Section 498A of the IPC does not seem to be made out against the petitioners.

29. At this juncture, this Court considers it apposite to issue a note of caution. This Court is not blind to the ground reality of the deeply



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rooted social evil of greed for dowry, due to which, numerous victims are subjected to unspeakable conduct and harassment. It is not the intention of this Court to imply that manipulation and coercion for dowry by hanging sword of breaking nuptial ties on the victim cannot constitute as harassment. However, in the particular facts of the present case, considering the fact that the parties never shared a residence and her parents approached the petitioners for resolution of the issues, it does not appear that the petitioners were the aggressors. They seem to have been implicated solely due to the tendency of litigants to implicate the husband and all his relatives.

30. It is also argued that the FIR was also registered after considerable delay. Even though the alleged incident took place on 27.10.2018 and Respondent No.2 had returned to her maternal home on 15.02.2019, however, a complaint was made by Respondent No.2 only on 20.06.2019. While the said aspect cannot be ignored, this Court does not deem it appropriate to comment on the same when the trial is to continue against the other accused persons.

31. It is also pertinent to note that despite having received a notice in relation to the present petition, the complainant has chosen to not contest the same.

32. In such circumstances, continuation of proceedings against the petitioners would amount to an abuse of the process of law. In view of the above, FIR No. 178/2019 and all consequential proceedings arising therefrom are quashed *qua* the petitioners.



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33. The present petition is allowed in the aforesaid terms.

34. It is made clear that the observations made in the present order are only for the purpose of deciding the present matter and should not affect the case in relation to the other accused persons.

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AMIT MAHAJAN, J