

14-It is made clear that the observations contained in the instant order are confined to the issue of bail only and shall not be construed to have any expression on the merit of the case.

(2025) 5 ILRA 1916
ORIGINAL JURISDICTION
CRIMINAL SIDE
DATED: ALLAHABAD 29.05.2025

BEFORE

THE HON'BLE MRS. MANJU RANI
CHAUHAN, J.

Application U/S 528 BNSS No. 41554 of 2024

Virendra Singh & Ors. ...Applicants
Versus
State of U.P. & Anr. ...Opposite Parties

Counsel for the Applicants:
 Manoj Kumar Singh, Sr. Advocate

Counsel for the Opposite Parties:
 Imran Ullah, Vineet Vikram, G.A. , Ishir Sripat

Criminal Law — Bhartiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) — Dowry Prohibition Act, 1961, Sections 3 & 4 — Indian Penal Code, 1860, Sections 498-A, 323 & 307 — Matrimonial dispute — Quashing of proceedings — Allegations against husband's family members — General and omnibus allegations — Vague accusation of dowry demand and cruelty without specific acts — Contradictions between FIR and witness statements — No injury or medical corroboration for attempt to murder charge — Frequent change of Investigating Officers and procedural irregularities — Held, criminal prosecution of father-in-law, mother-in-law, and married sister-in-law on such omnibus allegations amounts to abuse of process — Case falls under categories

(1), (5) and (7) of *State of Haryana v. Bhajan Lal*— Proceedings quashed. (Paras 24, 25, 26, 34, 45, 48, 50 and 61)

HELD:

The Apex Court in a plethora of judgements has underscored that in matrimonial disputes, criminal proceedings against the husband's relatives can be quashed where the allegations are vague, omnibus, or lacking in specificity. This judicial stance seeks to prevent the misuse of penal provisions particularly Section 498A IPC, which addresses cruelty by a husband or his relatives. However, the Court has mandated that allegations against each co-accused must be clear, detailed, and supported by cogent facts. Generic accusations cannot sustain criminal liability. (para 24)

The Apex Court, in numerous judgements has considered the ingredients of Section 307 IPC, which prescribes punishment for acts done with the intention or knowledge that, if death had occurred, the offence would amount to murder. (Para 26)

Upon examining the facts of the present case, it is evident that there are inconsistencies and deviations in the version stated in the FIR, and lacking overall clarity. The allegations levelled against the husband's family members, i.e., the father-in-law, mother-in-law, and sister-in-law, appear to be unsubstantiated. This Court is of the considered view that, at most, it is the husband who may be held accountable for the alleged offences. However, the involvement of his family members does not seem to be supported by credible evidence. It appears that they have been unnecessarily implicated in this matter with the apparent intent to exert pressure on the husband, who is currently residing outside India as a Canadian citizen. (Para 45)

In the present case, it appears to be a case of over-implication, wherein the entire family of the accused has been unnecessarily roped in, possibly with the intention of settling personal scores or due to other ulterior motives. Keeping in view the observations made by the Supreme Court in similar matters, it becomes evident that

the present case lacks substance in terms of specific and credible allegations. (Para 48)

Furthermore, the informant has not mentioned any particular instance of harassment with clarity. The statements recorded under Sections 161 and 164 Cr.P.C. also show notable discrepancies when compared with the FIR. These inconsistencies further weaken the prosecution's case and indicate that the allegations may not be trustworthy or credible. (Para 50)

Application allowed. (E-14)

List of Cases cited:

1. Pepsi Foods Ltd. Vs Special Judicial Magistrate, (1998) 5 SCC 749
2. Sunil Bharti Mittal Vs CBT, (2015) 4 SCC 609
3. State of Har. Vs Bhajan Lal, 1992 Supp (1) SCC 335
4. Sushil Kumar Sharma Vs U.O.I., (2005) 6 SCC 281
5. Preeti Gupta Vs St. of Jh., (2010) 7 SCC 667
6. Geeta Mehrotra Vs St. of U.P., (2012) 10 SCC 741
7. Smt. Ruchi Tiwari Vs St. of U.P., 2020 SCC OnLine All 1026
8. Kailash Chandra Agrawal Vs St. of U.P. & ors., (2014) 16 SCC 551
9. Pritam Ashok Sadafule Vs St. of Mah. & ors., (2015) 11 SCC 769
10. Varala Bharath Kumar Vs St. of Tel., (2017) 9 SCC 413
11. Kartik Chand Majee Vs St. of Jh. & ors., (2018) 13 SCC 747
12. Rajesh Sharma & ors. Vs St. of U.P., (2018) 10 SCC 472
13. K. Subbarao & ors. Vs St. of Tel., (2018) 14 SCC 452
14. Rashmi Chopra Vs St. of U.P. & ors., (2019) 15 SCC 357
15. Seenivasan Vs St., (2019) 8 SCC 642
16. Kahkashan Kausar Vs St. of Bih., (2022) 6 SCC 599
17. Social Action Forum for Manav Adhikar and another Vs U.O.I., Ministry of Law and Justice & ors., (2018) 10 SCC 443
18. Mohd. Akram Siddqui Vs St. of Bih. & anr., (2019) 13 SCC 350
19. Mohd. Allauddin Khan Vs The St. of Bih. & ors., 2019 0 Supreme (SC) 454
20. Rajeev Kaurav Vs Balasahab & ors., 2020 0 Supreme (SC) 143
21. Aluri Venkata Ramana Vs Aluri Thirupathi Rao & ors., (SLP(CRL) No. 9243 of 2024)
22. Priyanka Jaiswal Vs St. of Jh. & ors., 2024 SCC Online SC 685 : Criminal Appeal No. 2344 of 2024 @ SLP(CRL) No. 10668 of 2022)
23. Neeharika Infrastructure Pvt. Ltd Vs St. of Mah. & ors., Criminal Appeal No. 330 of 2021
24. CBI Vs Aryan Singh, Criminal Appeal Nos. 1025-1026 of 2023 @ SLP (CRL) Nos. 12794-12795 of 2022
25. Rajendra Singh Vs St. of Pun., (2015) 6 SCC 477
26. Vipin Jaiswal Vs St. of A.P., (2013) 3 SCC 684
27. Appasaheb Vs St. of Mah., (2007) 9 SCC 721
28. Rajesh Aggarwal & anr. Vs St. NCT of Delhi & anr., 2024 SCC OnLine Del 1828
29. Sanjeet Kumar & ors. Vs St. of U.P. & anr., Application U/s 482 No. 28622 of 2023
30. Satbir Singh Vs St. of Har., (2021) 6 SCC 1
31. Rajinder Singh Vs. St. of Pun., (2015) 6 SCC 477

32. St. of Mah. Vs Kashirao, (2003) 10 SCC 434
33. Kuldip Singh Vs St. of Pun., 1989 Supp (2) SCC 36
34. R. Prakash Vs St. of Kar., (2004) 9 SCC 27
35. R.P. Kapur Vs St. of Pun., AIR 1960 SC 866
36. Zandu Pharmaceutical Works Ltd. Vs Mohd. Sharaful Haque, (2005) 1 SCC 122
37. Inder Mohan Goswami Vs St. of Uttaranchal, (2007) 12 SCC 1
38. Gian Singh Vs St. of Pun., (2012) 10 SCC 303
39. Abhishek Vs St. of M.P., (2023) 16 SCC 666
40. Mirza Iqbal @ Golu & Anr. Vs St. of U.P. & anr., Criminal Appeal No. 1628 of 2021 (Arising out of SLP (Crl.) No. 2786 of 2019)
41. Mahmood Ali Vs St. of U.P., (2023) 15 SCC 488
42. Kamal & ors. Vs St. of Guj. & anr., Judgement Date: 16.04.2025 : Arising out of SLP (Crl) No. 9167/ 2024 : 2025 INSC 504
43. Dara Lakshmi Narayana & ors. Vs St. of Tel. & anr., 2024 SCC OnLine SC 3682
44. G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693
45. Arnesh Kumar Vs St. of Bih. & anr., (2014) 8 SCC 273
46. Preeti Gupta & anr. Vs St. of Jh. & anr., (2010) 7 SCC 667
47. K. Subba Rao Vs The St. of Tel., (2018) 14 SCC 452

(Delivered by Hon'ble Mrs. Manju Rani Chauhan, J.)

1. The applicants have preferred instant application under Section 528 BNSS1 challenging order dated 29.10.2024

along with charge sheet dated 19.08.2024 and the entire proceeding of Case No.14793 of 2024, arising out of Case Crime No.191 of 2024, Police Station-Hapur Nagar, District- Hapur, up to the extent of summoning the applicant no.1 under Sections 498-A, 323 I.P.C. and Section 3/4 D.P. Act and applicant nos. 2 and 3 under Sections 498-A, 323, 307 I.P.C. and Section 3/4 D.P. Act, pending in the court of Chief Judicial Magistrate, Hapur.

2. Sri Anil Tiwari, learned Senior Advocate, assisted by Mr. Manoj Kumar, appears on behalf of the applicants, Mr. Imran Ullah, Mr. Vineet Vikram and Mr. Ishir Sripat, learned counsels have put in appearance for opposite party no.2 and Mr. Satyendra Tiwari, learned A.G.A. for the State. With the consent of learned counsel appearing for the parties, the case is being heard and decided finally without calling counter affidavit.

3. Learned counsel for the applicants placed brief facts of the case, that on the basis of an order passed by the Chief Judicial Magistrate, Hapur on an application moved before the Chief Judicial Magistrate under Section 156(3) Cr.P.C., a First Information Report³ was lodged on 16.03.2024 at 06:49 hrs. against the father-in-law Virendra Singh (applicant no. 1), mother-in-law Meenakshi Singh (applicant no. 2), Nanad Swati Singh (applicant no. 3) and Arjun Singh husband of the informant, stating that the informant is a law abiding and trustworthy woman, presently residing in Hapur and her permanent address is of Madhya Pradesh. She has detailed about the accused persons named in the FIR showing her relation with them. Informant's version in the FIR is that her marriage was solemnized with accused

Arjun Singh on 25.06.2023 in Ujjain, Madhya Pradesh. Thereafter, the marriage was registered before the Registrar, Marriages, Sadar-1, Hapur on 27.06.2023 through an application no. 202314100302. Said marriage was mediated by Sri Umesh Singh Chauhan +91-8770894052, resident of Ujjain, Madhya Pradesh, wherein informant's husband Arjun Singh, aged about 34 years, was stated to be the resident of Toronto, Canada (425-221 Balliol Street, M4S1C8, Toronto) and it was also informed that Arjun Singh is the citizen of Canada and previously he had not performed any marriage. Copy of Canadian Passport No. A1887019 of Arjun Singh has been enclosed.

3.1 It is further stated in the FIR that 'Roka'/ engagement ceremony of the informant and Arjun Singh was performed on 11.12.2022, wherein informant's father gifted a gold chain (3.5 tola) to her husband, Rs. 11,000/- each to father-in-law and mother-in-law and Rs. 3100/- each to Nanad and her husband. After the engagement ceremony, Arjun Singh went back to Canada and no date of marriage was decided as it had to be fixed as per return schedule of Arjun Singh from Canada. After some time, marriage was slated for 25.06.2023. The informant, in the FIR, further alleges that while the marriage arrangements had been done by her father, her father-in-law called her father asking to spend at least Rs. 1 Crore in the marriage ceremony and specified the guests to whom cash envelopes or gifts were to be presented, including the booking of hotel and other arrangements. While the informant's father raised objection over the demands stepped up by her father-in-law, he spoke that his son is a Canadian citizen and a number of persons are willing to spend Rs. 4 to 5 crore in the marriage. Under such

compulsion, her father had to ensure the arrangements of marriage.

3.2 As per the FIR, the marriage was solemnized in Meghdoot Resort, Ujjain, wherein about Rs. 55 lakh were spent and ornaments of Rs. 8 lakh were also given by her father. Informant's father also gave her, gold and silver ornaments to the worth of Rs. 95 lakh. After vidaai she came to Hapur in the night at about 12 O'clock on 26.06.2023. The next morning to change her dress, when she tried to find the bag wherein the gold and silver ornaments gifted by her father and the ornaments given to her by her in-laws were kept, it was not there. On being asked about the said bag, her in-laws informed that all the valuables are in their custody and have been kept at safe place because of marriage in the family.

3.3 Further allegations in the FIR are that on 28.6.2023, after marriage reception which was staged in Surya Hotel, New Friends Colony, Delhi, they went to London on 01.07.2023. They lived there for about a month, where Arjun Singh forcefully did unnatural sex and sans condom stating that man's purpose is to spread his genes and he does not believe in using protection. Other than this, he got 10,000 pounds spent from her. The informant came to know that her husband is atheistic and eats beef despite belonging to Hindu religion. The informant realized changes in her husband's behaviour and noticed that he never left his mobile and use to send messages and had frequent conversations with someone.

3.4 The informant next alleges that she came back to India from London on 30.07.2023 while her husband went to Canada. The informant found out through the location shared to her by her husband, that her husband instead of living in his house, used to live at another address in the

nearby building. On being inquired through her sources, the informant came to know that Arjun Singh has been residing with a woman, namely, Alfiya Shaheed Hasan, resident of 265 Balliol Street, M4S1C9 Toronto for the last 13 years in a house as husband and wife. Surprisingly, her father-in-law and mother-in-law were also well aware of the fact. Knowing about the said situation, on being asked by family, Arjun Singh came to India on 16.12.2023, whereafter some family members of both sides including the accused persons had some conversation, wherein Arjun Singh, his father and mother accepted about Arjun's relationship with Alfiya Shaheed Hasan for last 18 years, however, in-laws of the informant asked her to excuse them and start a new life with Arjun Singh, however, Arjun Singh conspicuously said that he cannot separate from Alfiya and the informant may go with him to Canada if she wants to live as his second wife. Hearing the said words, the informant, her parents and uncle (Taau) were astonished, however, her father-in-law and mother-in-law did not utter a word, which revealed that they were already knowing about the illicit relationship of their son.

3.5 Informant also alleged that while she started to pack her luggage to go with her parents from in-law's place, her husband, father-in-law and mother-in-law unitedly stopped her from carrying any article and even the informant was restrained from taking any personal belongings. It is further alleged that the accused persons are exerting pressure upon the informant asking her to live with the existing scenario and even Alfiya Shaheed Hasan is also calling and messaging the informant from Canada, and asking to send Arjun Singh to Canada soon. Copy of text messages sent by Alfiya Shaheed Hasan are appended. Further allegations in the FIR

are that the accused persons have played fraud with the informant and her parents in order to take dowry, and Rs. 1.20 crore along with ornaments have also been taken into possession including clothings, gifts etc. amounting to Rs. 14 lakh. Informant has brought on record the evidences with respect to the aforementioned averments.

3.6 In the FIR, the informant states that in respect to the abovementioned facts, she had made a complaint in Mahila Thana, Hapur on 07.01.2024 and to the Senior Superintendent of Police on 12.01.2024, for taking appropriate action against the accused persons, however, nothing has been done, thus, she moved an application before the Chief Judicial Magistrate for taking action against husband - Arjun Singh, father-in-law - Virendra Singh, mother-in-law Meenakshi Singh and sister-in-law Swati Singh for illegal possession of Rs. 1.20 crore, criminal intimidation, dowry demand, for unnatural sex against husband, forgery and betrayal. She has suffered mentally and socially, thus, offence be registered under the relevant sections. Hence the present application. After moving the said application, on the order of the Chief Judicial Magistrate, the FIR was lodged.

4. After investigation charge-sheet has been submitted against the accused persons and the applicants have been summoned by the order impugned dated 29.10.2024.

5. Learned Counsel for the parties have submitted their written submissions as permitted by this Court while the judgement was reserved. Same are taken on record.

6. Learned Counsel for the applicants submits that applicant nos. 1 & 2

are senior citizens (father in-law and mother-in-law of informant). Applicant No.3 is married sister-in-law and is residing in a different city, namely, Ghaziabad. They have been dragged into criminal proceedings stemming from a matrimonial discord between the informant (O.P. No.2) and her husband, Arjun Singh. Despite having no role, they are now facing proceedings under severe penal provisions, including Sections 498A, 307 IPC, 3/4 D.P. Act, etc. Only vague and general allegations are made against the entire family. Since husband is Canadian Citizen, the informant is harassing the family members of the husband.

6.1 In this continuous harassment, the informant has filed another FIR dated 29.11.2024 implicating the entire family under Section 406 IPC. In the said case, husband of Swati Singh (applicant no. 3) has also been implicated. Copy of said FIR has been brought on the record as Annexure No.SA-1 in second supplementary affidavit dated 16.03.2025.

6.2. Bringing the facts of the case before the Court, learned counsel for the applicants submits that on 28.11.2022, applicant No.3 Swati Singh was married to Atharva Sharma. To attend her marriage, husband of informant Arjun Singh was in India. On 11.12.2022, on the invitation of Umesh Singh Chauhan, a distant relative and neighbour of informant, applicants alongwith Arjun Singh (husband) went to Ujjain for the first meeting with the informant's family. Surprisingly the informant's family insisted for 'Roka' and performed the same despite unwillingness of applicants' family. On 25.06.2023, in a very hurried manner, the marriage was fixed. Applicants and others (total 40 persons) reached Ujjain on 24.06.2023 and came back on 26.06.2023 after marriage.

6.3 On 28.06.2023, reception was held at Delhi. At the same time, Arjun Singh has initiated the process for spouse visa of Canada in favour of the informant. It is pertinent to mention here that it is an admitted case that the informant's family's visa request for Canada had already been rejected twice before marriage. Informant's younger brother is already residing in Canada.

6.4 On 01.07.2023 the informant and husband went for honeymoon to London. On 31.07.2023 informant returned back to India as she was not having Canadian Visa, while her husband went back to Canada. In between 01.08.2023 to 22.12.2023, the informant remained in Hapur house only for 20 days and she used to fly frequently to Mumbai for undisclosed reasons. However, the family never objected.

6.5 On 16.12.2023 husband Arjun Singh came back to India and directly went to informant's house in Mumbai as informant was residing in Mumbai at that point of time. From there both went to Goa and on 20.12.2023 they came to Hapur from Goa. Then the applicants came to know that under the threat of informant, a tourist visa was also applied for the wife. This time, the informant was accompanied with 5 bodyguards.

6.6 On 22.12.2023, the informant left the in-laws' house permanently alongwith her parents and went to Mumbai. On 24.12.2023, the informant's husband went to Mumbai for solving the issues with her, however, it did not materialize. On 28.12.2023, Arjun Singh alone came back to his house in India and remained in Hapur till 18.01.2024. On 07.01.2024, first complaint was moved by the informant before the police, which was not registered. On 12.01.2024, she moved second complaint before the Senior Superintendent

of Police, Hapur, that too was also not registered. Thereafter, on 23.01.2024 an application under Section 156(3) Cr.P.C. was filed.

6.7 Thereafter, pursuant to the order of the court concerned on the application filed by O.P. No. 2 under Section 156(3) Cr.P.C., the first information report bearing Case Crime No. 191 of 2024 was lodged on 16.03.2024, under Sections 498A, 323, 377, 494, 420 IPC, and Section 3/4 of the Dowry Prohibition Act, against the husband and his entire family including the applicants without any specific, direct, or credible allegation.

6.8 On 09.04.2024, medical examination was conducted in which no external injury was found and the informant refused for internal examination. On 09.04.2024, statements of the informant under Section 161 Cr.P.C. were recorded, in which she introduced another story against mother-in-law and married sister-in-law to make out offence under Section 307 IPC. On 12.04.2024, statements under Section 164 Cr.P.C. were recorded which contain no allegation under Section 307 IPC. The Investigating Officer⁴ has also recorded statements of other persons, i.e., the parents of informant who have also attempted to introduce the story of Section 307 IPC against applicant Nos. 2 & 3, only on the basis of hearsay evidence. On 20.04.2024, on the basis of available evidence, the I.O. expunged the name of Swati Singh and also expunged the alleged offence under Sections 377, 394 and 420 IPC and proceeded for investigation only against applicant Nos.1 and 2. and never added the offence under Section 307 IPC.

6.9 On the complaint of informant, the Investigating Officer was changed on 15.05.2024 and a new officer took over the charge of investigation. On

31.05.2024, the new Investigating Officer recorded the second statements of father of informant, mother of informant, mediator of marriage, namely, Umesh Singh Chauhan under Section 161 Cr.P.C. who have repeated the version of informant given under Section 161 Cr.P.C. No new evidence came on record. This Investigating Officer was transferred again. On 11.06.2024, again the third Investigating Officer, namely, Raghuraj Singh started the investigation and on the basis of evidence collected by Neeraj Kumar, as contained in Parcha No.10, added Section 307 IPC and also restored the offence under Sections 377, 394 and 420 IPC. Name of Swati Singh (applicant no. 3) was again added, (Parcha No.11). From 11.06.2024 till 19.08.2024, the investigating officer namely Raghuraj Singh has conducted the investigation and reduced the same from Parcha No. 11 to Parcha No. 19. He collected the below mentioned material:

i. Statement of Virendra Singh - applicant No.1 was recorded on 17.08.2024 who denied the charges.

ii. Statement of Meenakshi Singh - applicant No.2 was recorded on 17.08.2024 who denied the charges.

iii. Statement of Swati Singh - applicant No.3 was recorded on 17.08.2024 who denied the charges.

iv. Statement of Medical Officer was recorded on 17.08.2024 who denied the charges.

Thus, it is clear that no further evidence was collected in the investigation.

6.10 On 19.08.2024, the Investigation Officer on the basis of the available material submitted the charge sheet as detailed below:

1. Against applicant No.1 (Father-in-law) under Sections 498A, 323 IPC and 3/4 Dowry Prohibition Act.

2. Against applicant No.2 (Mother-in-law) under Sections 498A, 323, 307 IPC and 3/4 Dowry Prohibition Act.

3. Against applicant No.3 (married sister-in-law) under Sections 498A, 323, 307 IPC and 3/4 Dowry Prohibition Act.

6.11 However, the Circle Officer returned the charge sheet on 23.08.2024, raising specific issue that on what basis, Section 307 IPC was added and name of Swati Singh was included, which was already expunged. Said objection has been brought on record at Page 11 of supplementary affidavit dated 02.02.2025.

6.12 On 13.09.2024 pursuant to the aforesaid order of Circle Officer and since Raghuraj Singh, the earlier I.O., was transferred, the investigation was taken over by new Investigating Officer on 13.09.2024. He conducted the investigation till 16.10.2024 which are contained in Parcha Nos. 20, 21 & 22. However, he did not collect any evidence. On 29.10.2024 without collecting any new evidence the same charge sheet dated 19.08.2024 was filed.

7. Learned counsel for the applicants has laid emphasis on the infirmities in evidences on record summarizing his submissions in the following manner:

7.1 The investigation process was tainted by inconsistency, arbitrariness, and bias. Repeated transfers of Investigating Officers created a fractured and inconsistent chain of investigation. No new evidence was gathered to justify the revival of dropped charges and improvements in statement is also evident.

7.2 The Circle Officer, Hapur clearly stated in its objection dated 23.08.2024, which has been brought on

record as Annexure-12 to the petition that the chargesheet was filed without due diligence and without consideration of evidence. No explanation was offered for deviation from prior findings.

7.3 Applicant Nos. 1 and 2, being elderly parents of the husband and applicant No.3 being married sister-in-law, were dragged in the present case only due to their relation. Statements recorded under Sections 161 and 164 Cr.P.C. by the informant contain general and uncorroborated assertions. No independent witness supports her claims.

7.4 Statements of neutral witnesses neighbours, namely, Sanjay Garg and Shailly Garg confirmed that the applicants never engaged in any misconduct or cruelty, however, these vital statements were ignored in the final charge sheet.

7.5 The Investigating Officers were frequently changed. I.O. - Anish Ahmad conducted a diligent probe and dropped severe charges, but successor I.O. Niraj Kumar added Sections 377 and 307 IPC without justification. I.O. Raghuraj Singh filed a charge-sheet despite clear objections of the Circle Officer dated 23.08.2024 regarding negligence.

8. Learned counsel for the applicants contends that a perusal of the evidence collected shows that no offence is made out against the applicants. He has framed his arguments on legal premises as follows:

A. Virendra Singh chargesheeted under Section 498A, 323 IPC & 3/4 Dowry Prohibition Act:

(i) There is no claim against Virendra Singh regarding any kind of demand of dowry rather the claim is only about the customary expenses and

arrangements before marriage and of marriage i.e. Roka ceremony and wedding ceremony which are cultural practice and not any dowry demand. The ingredients required for invocation of Section 3/4 of Dowry Prohibition Act are absent.

(ii) Insofar as Section 498A is concerned, the essential ingredients are not made out as there is no averment pertaining to any 'cruelty' against Virendra Singh. No overt act is shown against Virendra Singh

(iii) Section 323 IPC is not made out as no allegation is in regard to causing any hurt resulting in bodily pain, disease or infirmity as provided in Section 319 IPC.

B. Meenakshi Singh chargesheeted under Section 498A, 323, 307 IPC & 3/4 Dowry Prohibition Act:

(i) There is no claim against Meenakshi Singh regarding any kind of demand of dowry rather the claim is only about the customary expenses and arrangements before marriage and of marriage i.e. Roka ceremony and wedding ceremony which are cultural practice and not any dowry demand. The ingredients required for invocation of Section 3/4 of Dowry Prohibition Act are absent.

(ii) Insofar as Section 498A IPC is concerned, the essential ingredients are not made out as there is no averment pertaining to any 'cruelty' against Meenakshi Singh. No overt act is shown against her.

(iii) Section 323 IPC is not made out as no allegation is in regard to causing any hurt resulting in bodily pain, disease or infirmity as provided in Section 319 IPC.

(iv) Insofar as Section 307 IPC is concerned, there is no allegation in FIR. Only a vague allegation is made in the statements recorded under Section 161 Cr.P.C. however, in statement under Section 164, Cr.P.C. no allegation is again

made. No external injury is found in the medical report.

C. Swati Singh chargesheeted under Section 498A, 323, 307 IPC & 3/4 Dowry Prohibition Act:

(i) There is no claim against Swati Singh regarding any kind of demand of dowry rather the claim is only about the customary expenses and arrangements before marriage and marriage i.e. Roka ceremony and wedding ceremony which are cultural practice and not any dowry demand. The ingredients required for invocation of Section 3/4 of Dowry Prohibition Act are absent.

(ii) Insofar as Section 498A IPC is concerned, the essential ingredients are not made out as there is no averment pertaining to any 'cruelty' against Swati Singh as also no overt act is shown against her.

(iii) Section 323 IPC is not made out as no allegation is in regard to causing any hurt resulting in bodily pain, disease or infirmity as provided in Section 319 IPC.

(iv) Insofar as Section 307 IPC is concerned, there is no allegation in the FIR. Only a vague allegation is made in the statements recorded under Section 161 Cr.P.C. however, in statements under Section 164, no allegation is again made and no external injury is found in the medical report.

9. Learned counsel for the applicants has straneously argued that the court below has mechanically taken cognizance despite glaring procedural lapses and a clear lack of prima facie case, the Chief Judicial Magistrate took cognizance on 29.10.2024 without addressing contradictions in the investigation. In support of his submission he has relied upon a judgement of the Supreme Court in the case of '**Pepsi Foods**

Ltd. v. Special Judicial Magistrate⁵, wherein the Apex Court has held that Magistrates must apply judicial mind and not act as post offices. However, this principle was ignored by the court concerned. In the case of **Sunil Bharti Mittal v. CBT⁶** the Apex Court has reiterated that cognizance must be based on sufficient material and not on vague or omnibus allegations.

10. To strengthen his submissions learned counsel for the applicants has relied upon the following judgements of the Supreme Court:

A. State of Haryana v. Bhajan Lal⁷:

Paragraph 108: "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."

B. Sushil Kumar Sharma v. Union of India⁸:

Para 19: "The object of the provision is prevention of the dowry menace. But as has been rightly contended by the petitioner, many instances have come to light where the complaints are not bona fide and have been filed with oblique motive. In such cases, the acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery."

C. Preeti Gupta v. State of Jharkhand⁹:

Para 30: "It is a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency

of over-implication is also reflected in a very large number of cases."

D. Geeta Mehrotra v. State of U.P.¹⁰

Para 20: Placing reliance upon paragraph-20 of the judgement of Supreme Court passed in Geeta Mehrotra (supra), learned counsel for the applicants submits 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 oblivious of the fact that they reside separately."

E. Smt. Ruchi Tiwari v. State of U.P.¹¹:

Para 15: "In absence of specific allegations of demand of dowry made after marriage, and with no contemporaneous evidence, it cannot be said that a prima facie case under Sections 3/4 of the Dowry Prohibition Act is made out. Such general assertions do not satisfy the statutory requirements."

F. Learned counsel for the applicants has also placed reliance on the judgements in the case of **Kailash Chandra Agrawal vs. State of U.P. and others¹²** (Para 8-10); **Pritam Ashok Sadafule vs. State of Maharashtra & others¹³**, (Para 17 & 18); **Varala Bharath Kumar vs. State of Telangana¹⁴** (Para 6-9); **Kartik Chand Majee vs. State of Jharkhand & others¹⁵** (Para 9-11); **Rajesh Sharma and others vs. State of U.P.¹⁶** (Para 14 & 15); **K. Subbarao and others vs. State of Telangana¹⁷** (Para 5 to 8); **Rashmi Chopra vs. State of U.P. and others¹⁸** (Para 24, 25, 27, 28 & 31); **Seenivasan vs. State¹⁹** (Para 6-8); **Kahkashan Kausar vs. State of Bihar²⁰** (Para 10-18); **Social Action Forum for Manav Adhikar and another vs. Union of India, Ministry of Law and Justice**

and others²¹, and Mohd. Akram Siddqui vs. State of Bihar and another²².

11. On the cumulative strength of the aforesaid submissions, it is submitted by learned counsel for the applicants that the proceedings of the criminal case pending against the applicants are liable to be quashed by this Court.

12. Learned counsel for O.P. No. 2 submits that the present applicants who are father-in-law, mother-in-law and sister-in-law, prior to the marriage have met with the informant and her family and have lured that Arjun Singh is unmarried and though being a Canadian citizen, he wants to marry an Indian Hindu girl, though it was well within their knowledge that he is already married with one Alfiya Shaheed Hasan in Canada.

12.1 The said misrepresentation by the applicants were made only to satisfy their thirst of dowry, which they knew that they will get if the informant agrees to marry, and also to gain social acceptance for their son in the society that their son is married to an Indian Hindu girl.

12.2 Learned counsel for O.P. No. 2 has placed forth the facts stating that 10 days' prior to marriage, applicant no.1 called the father of informant and asked to spend 1 Crore rupees in the marriage, thereafter marriage happened on 25.06.2023 at Meghdoot Resort, Ujjain in which 55 Lakhs were spent on arrangements and 95 Lakhs were spent on Jewellery.

12.3 After the informant came to know about the relation between the Alfiya and her husband, she confronted the applicants, but since they were already knowing it, they did nothing. On

22.12.2023 when the informant decided to leave her matrimonial house, the applicants denied to give any of her belongings. Prior to the marriage, the applicants were knowing that Arjun is married and settled in Canada and only in order to obtain dowry, the applicants through a conspiracy have cheated the informant.

12.4 Learned counsel for the O.P. No. 2 further contends that some relevant statements have not been annexed by the applicants while filing the present petition. He has drawn attention of the Court to Case Dairy Parcha No.10 dated 31.05.2024, statement of father of informant namely Ajay Huriya, mother Yogita Huriya and mediator Umesh Singh Chauhan whereby specific allegations have been raised against the applicant nos. 2 and 3 i.e. mother-in-law and sister-in-law, respectively, that they have tried to strangulate the informant and were demanding dowry from the informant and after which section 307 IPC was added by the investigating officer in the present case. The medical examination of the informant was conducted after the 110 days of the incident as the police did not bother to register the first information report of informant on time.

13. Legal premise, on which the learned counsel for O.P. No. 2 has advanced his submissions stating that the petition is devoid of merit are as follows:

13.1 The applicants only in order to get relief, has not approached this Court with clean hands, as 3 statements as contained in CD Parcha No.10 on basis of which the investigating officer of the present case has added Section 307 IPC against the applicant nos. 2 and 3 in the present case, have deliberately not been made part of present petition.

13.2 In the first information report apart from allegations as levelled against the absconding husband, namely, Arjun Singh, there are specific allegations against the applicants i.e father-in-law, mother-in-law and sister-in-law who are the main conspirators in the present case.

13.3 The applicants only in order to get dowry and gifts have cheated the informant and her family members, despite knowing the fact that their son Arjun Singh i.e. husband of informant is already married and settled in Canada. Through a premediated mind and by conspiring with each other, the applicants have first cheated her, then harassed the informant mentally and physically. Only because of money the applicants have ruined the life of the helpless informant who is a young lady, and now she is living on the mercy of her parents. Not only the husband but the applicants have also harassed the informant in order to fulfil their greed for the dowry

13.4 Perusal of statements of witnesses namely Sanjay Garg and Shailly Garg demonstrates that the witnesses are specifically stating that Alfiya is friend of Arjun Singh and they both have studied and working together, and as such the apprehension raised by the informant against her husband was not baseless rather based on concrete evidence.

13.5 The applicant nos. 1 & 2 have deliberately married their son Arjun Singh with the informant, only to get social acceptance here in India and to grab money in the form of dowry from the family of the informant. Statement of informant recorded under Section 161 Cr.P.C. specifically contains allegations against the applicants that after marriage when the informant demanded her jewellery, applicant no.2 pushed her and also on the pretext of dowry both sister-in-law and mother-in-law

(applicant no.3 and 2) tried to strangle the informant.

13.6 Statement of the informant recorded under Section 164 C.r.P.C. specifically raises allegations against the applicants that applicant no.1 was always demanding dowry from the father of informant, applicant no.2 misbehaved with informant when she complained about her husband, namely, Arjun Singh, also applicant nos. 2 and 3 were causing physical and mental harassment to the informant for bringing dowry less than their expectations. A perusal of statements of the informant, and her family members clearly demonstrate happening of cognizable offences and no benefit of the minor discrepancies in the statements of witnesses can be availed at this stage, as the appropriate forum to look after the factual aspects of the present case would be trial court.

13.7 The husband of informant namely Arjun Singh has absconded from India, against whom Look out Circular (LOC), Non-Bailable Warrants are issued by the trial court and there are high chances that the applicants would also escape from India as soon as they get relief from this Court. In the entire petition the applicants have failed to demonstrate that they have nothing to do with the husband of the informant, which itself proves their complicity in the present case.

13.8 Learned counsel for O.P. No. 2 further contends that from a perusal of the statements and material collected during investigation, a prima-facie case is made out against the applicants and the ground on which the applicants are seeking quashing of the present case cannot be seen herein through the present application filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, inasmuch as there is remedy to file discharge application

under Section 250 BNSS before the trial court. The Apex Court as well as this Court on numerous occasions have stated that while exercising the powers under the present jurisdiction i.e. 528 BNSS, formerly Section 482 Cr.P.C., this Court could not conduct mini trial.

13.9 After an exhaustive investigation, chargesheet has been filed against the applicants and as such it is only the trial court who can look at the evidence and try the applicants for the offences as alleged. This Court may not enter into the merits of the allegations as levelled by the prosecution, as it would amount to conduct a mini trial. Perusal of F.I.R. as well as statements of the witnesses, goes to show that, prima facie case for the alleged offence is made out against the applicants.

13.10 It is further contended by learned counsel for O.P. No. 2 that this Court cannot quash the entire criminal proceedings under the present jurisdiction Section i.e. Section 528 BNSS (formerly know as 482 Cr.P.C.) at the pre-trial stage, as held in the case of **Mohd. Allauddin Khan vs. The State of Bihar & Others**²³, wherein the Apex Court has held that the High Court had no jurisdiction to appreciate the evidence of the proceedings under Section 482 Cr.P.C. because whether there are contradictions or/and inconsistencies in the statements of the witnesses is an essential issue relating to appreciation of evidence and the same can be gone into by the Judicial Magistrate during trial when the entire evidence is adduced by the parties. However, in the present case the said stage is yet to come.

13.11 Learned counsel appearing for O.P. No. 2 has further relied upon a judgement of the Apex Court in the matter of **Rajeev Kaurav vs. Balasahab & Others**²⁴, wherein it has been held that it is no more *res integra* that exercise of

power under Section 482 Cr.P.C. to quash a criminal proceeding is only when an allegation made in the F.I.R. or the charge sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 Cr.P.C. is to prevent the abuse of process of any law or Court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the Court, except in very exceptional circumstances.

14. Learned counsel for the O.P. No. 2 has relied upon the judgment of the Apex Court in case of **Aluri Venkata Ramana vs. Aluri Thirupathi Rao & Ors.**²⁵, dated 12.12.2024, wherein the Apex Court has held thus:

"13. From the above ingredients reiterated by this Court, it is clear that an unlawful demand for dowry is not a prerequisite element to constitute "cruelty under Section 498A IPC. It suffices that the conduct falls within either of the two broad categories outlined in clauses (a) or (b) of the provision, namely, wilful conduct likely to cause grave injury or mental harm (clause a), or harassment intended to coerce the woman or her family to meet any unlawful demand (clause b). Therefore, either form of cruelty. independent of a dowry demand, is sufficient to attract the provisions of Section 498A IPC and make the offence punishable under the law."

16. Before this Court, the Respondents have contended that the wilful conduct described in clause (a) of the Explanation to Section 498A IPC should only be treated as cruelty if it is

accompanied by a dowry demand as outlined in clause (b), or that an unlawful demand for property or valuable security, standing alone, constitutes cruelty under Section 498A. However, in light of the discussion above, it is evident that this submission is without merit and, therefore, is not accepted by this Court."

15. Learned counsel for the O.P. No. 2 has further relied upon the following paragraph of a judgment of Three-Judge Bench in case of **Priyanka Jaiswal vs. State of Jharkhand and Others**²⁶, dated 30.04.2024, wherein the Court has held as under:

"13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside

16. Learned counsel for O.P. No. 2 has also drawn attention of the Court to the following paragraph of a Three-Judge Bench judgement of Apex Court in case of **Neeharika Infrastructure Pvt. Ltd vs. State of Maharashtra and Ors.**²⁷, order dated 13.04.2021, wherein the Court has held that:

"7. In dealing with the last category, it important to bear in mind the

distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death.....

17. Learned counsel for O.P. No. 2 has also relied upon a judgement of Apex Court in case of **CBI vs. Aryan Singh**²⁸, vide Judgement and Order dated 10.04.2023, wherein the Supreme Court has held as under:

"3.1 Both the learned counsel appearing on behalf of the respective accused have made submissions on merits of the allegations made against each accused. However, all those submissions are the defences, which are required to be considered during the trial. Therefore, we are not elaborately dealing with and/or considering the submissions made on behalf of the CBI as well as the accused on merits on the allegations against the

accused as any observation of this Court may affect either of the parties during the trial.

4. Having gone through the impugned common judgment and order passed by the High Court quashing the criminal proceedings and discharging the accused, we are of the opinion that the High Court has exceeded in its jurisdiction in quashing the entire criminal proceedings in exercise of the limited powers under Section 482 Cr.P.C. and/or in exercise of the powers under Article 226 of the Constitution of India."

18. While assisting the Court Mr. Satyendra Tiwari, learned A.G.A. for the State placed following grounds for dismissal of the case:

18.1 The FIR has been lodged on 16.03.2024 alleging that the marriage of O.P. No. 2 – Smt. Simran Huriya was solemnized on 25.06.2023 at Meghdoot Resort, Ujjain, Madhya Pradesh and after the marriage she was subjected to cruelty and dowry demand by the applicants.

18.2 The specific allegation has been made against the applicant no. 1 – father-in-law, Virendra Singh of demanding dowry through phone, 10 days prior to the date fixed for marriage 25.06.2023 asking from the parents of O.P. No. 2. He has also raised a demand of providing details as to how much money would be given in the envelopes as gifts to the relatives and what dowry items would be given as gift. Other details about hotel being booked for in-laws and their relatives were asked to be communicated in writing. When, father of O.P. No. 2 expressed difficulty and objected to the demands

raised by the applicant no. 1, he stated that his son is a Canadian citizen and there are so many proposal for him who are ready to spend 4 – 5 crore rupees in his son's marriage. Father of O.P. No. 2 was left with no option but to make arrangements as desired by the applicant no. 1.

18.3 The marriage was solemnized at Meghdoot Resort, Ujjain, Madhya Pradesh, where an amount of Rs. 55 lakh was spent as per the demand raised by in-laws of O.P. No. 2, gold and silver ornaments amounting to Rs. 8 lakh were also given. Informant's father provided additional gold and silver jewellery worth of Rs. 95 lakh for his daughter.

18.4 After the marriage, informant came to Hapur on 26.06.2023, where in-laws took possession of all the gold and silver ornaments.

18.5 The applicants including husband of O.P. No. 2 pressurized her to adjust herself in the present circumstances, and have cheated her as well as her parents and they retained goods of Rs. 1.20 crore and ornaments excluding other gifts of Rs. 14 lakh. All the gift items were in possession of the applicants.

18.6 Allegations regarding husband of informant being in live-in relationship with Alfiya Shaheed Hasan, of which the applicants were aware, have also been alleged in the FIR. As per the statements of victim as recorded under Section 161 Cr.P.C., her in-laws demanded Rs. 4 – 5 crore, ten days prior to the marriage. Mother-in-law and father-in-law of the informant have raised specific demand of gold and silver ornaments for relatives. Informant's father has provided Rs. 1.20 crore in the form of cash, gold and silver ornaments. She has further stated that the informant moved to Hapur where she was subjected to harassment by her husband also.

18.7 As regards her mother-in-law Meenakshi Singh, she has stated that when she requested for returning her jewellery which was retained by her mother-in-law, she pushed the informant aside and her request was denied. Subsequently, on 01.07.2023, she travelled to London with her husband Arjun and returned alone on 30.07.2023 while her husband proceeded to Canada from London. Upon returning to her in-laws house, she was constantly monitored by her mother-in-law who also tracked her location. During her stay at in-laws place at Hapur, the informant also discovered from whatsapp group about the live-in relationship of her husband which was continuing from last 13 years.

18.8 In her statements, the O.P. No. 2 has stated about dowry being demanded by her mother-in-law and sister-in-law and she has also stated that they attempted to strangulate her. Her husband returned to India on 16.12.2023. It has also been stated that her in-laws were aware of her husband's extramarital relationship. From the statements of the informant, it is clear that the informant was mentally and physically tortured and was subjected to cruelty raising dowry demand before as well as after marriage.

18.9 The statements of the informant under Section 164 Cr.P.C. were recorded, in which she has reiterated about her marriage being solemnized on 25.06.2023, dowry demand being raised by her in-laws 10 days prior to marriage, and assertion about their son being Canadian citizen, good looking and willingness of number of people to pay Rs. 4 – 5 crore for his marriage. Assurance was given by the informant's father to fulfill the demands as much as possible. Informant's father gave gift items as well as dowry amount of Rs. 1.20 crore and spent Rs. 55 lakh in

marriage in Ujjain. Numerous instances of cruelty at the end of the husband when she arrived at Hapur have been stated in the statements recorded under Section 164 Cr.P.C. The applicant nos. 2 and 3 also subjected her to physical and mental harassment due to insufficient dowry.

18.10 The statements of Sanjay Garg and Shally Garg, who are neighbours of the applicants, were also recorded under Section 161 Cr.P.C. by the Investigating Officer and they have supported the prosecution case and confirmed the allegations as made by O.P. No. 2 against the applicants.

18.11 The contents of first information report, other evidences as collected by the Investigating Officer, statements of charge-sheet witnesses as well as statements of O.P. No. 2 under Sections 161 and 164 Cr.P.C. discloses that the offence under Sections 3/4 D.P. Act is made out.

19. Learned counsel for the State, emphasizing upon the definition of Section 2 of the Dowry Prohibition Act and its interpretation by the Apex Court, as discussed in the cases of **Rajendra Singh v. State of Punjab**²⁹, **Vipin Jaiswal v. State of Andhra Pradesh**³⁰, **Appasaheb v. State of Maharashtra**³¹, submits that the offence under Sections 3 and 4 of D.P. Act is made out against the applicants.

20. The Investigating Officer has collected sufficient evidence to establish that the offence of cruelty under Section 498-A IPC is also made out. The informant has been subjected to both physical and mental cruelty by her husband and the applicants. Specific allegation of attempt been made by applicant nos. 2 & 3 to strangulate her is there which prima facie makes out offence under Section 307 IPC.

21. From the version of FIR, statements of witnesses, it has been revealed that O.P. No. 2 was physically assaulted by the applicants, thereby constituting offence under Section 323 IPC. The delay in lodging the FIR is well explained. After the incident, the informant moved a complaint before the Mahila Thana on 07.01.2024. Thereafter, on 12.01.2024 an application was moved before the S.S.P. Hapur for taking action against the applicants but when nothing was done, an application under Section 156(3) Cr.P.C. was filed on 23.01.2024, after which the FIR was lodged.

22. On strength of aforementioned submissions, learned A.G.A. as well as learned counsel for O.P. No. 2 states that this Court may not exercise its inherent powers under Section 528 BNSS in the present case and the present application is liable to be rejected.

23. I have considered the submissions advanced by learned counsel for the parties and perused the record.

24. The Apex Court in a plethora of judgements has underscored that in matrimonial disputes, criminal proceedings against the husband's relatives can be quashed where the allegations are vague, omnibus, or lacking in specificity. This judicial stance seeks to prevent the misuse of penal provisions particularly Section 498A IPC, which addresses cruelty by a husband or his relatives. However, the Court has mandated that allegations against each co-accused must be clear, detailed, and supported by cogent facts. Generic accusations cannot sustain criminal liability.

24.1 While dealing with the issue, it has also been settled by the Apex Court

that the judiciary exercises its inherent powers under Section 482 of the Code of Criminal Procedure (now Section 528 BNSS) to strike down proceedings that are malicious or intended to harass. The Court has further protected the rights of relatives who do not reside with the couple or have no demonstrable connection to the alleged offences.

24.2 In the case of **Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.**³² the Supreme Court has emphasized that general and sweeping allegations, without any specific instances of cruelty or harassment, are insufficient to prosecute the in-laws. The Court cautioned against the misuse of Section 498-A as a tool of oppression rather than protection.

24.3 The Apex Court in the case of **Geeta Mehrotra & Anr. v. State of U.P. & Anr.**³³ has held that an FIR devoid of particularized accusations fails to meet the threshold required to subject individuals, particularly the husband's relatives to criminal trial. The Court reiterated the need for discernible and individualized allegations.

24.4 The Delhi High Court in the case of **Rajesh Aggarwal & Anr. v. State NCT of Delhi & Anr.**³⁴ has quashed the FIR on the ground that the allegations were merely general in nature and failed to distinguish the specific role of each accused. The Court has further held that such proceedings constitute an abuse of process of law.

24.5 The Allahabad High Court in the case of **Sanjeet Kumar & Others v. State of U.P. & Another**³⁵ has observed that bald and unsubstantiated allegations, made without temporal or factual precision, cannot form the basis of a valid criminal prosecution against the husband's extended family.

24.6 In matrimonial litigation, particularly under Section 498A IPC, the courts have crafted a principled framework to distinguish between genuine grievances and vindictive litigation. When allegations against the husband's relatives are general, unsubstantiated, or evidently exaggerated, courts are inclined to quash the charge sheet to uphold justice and prevent misuse of the criminal justice system.

25. Before addressing the present case, it is pertinent to first understand the offences outlined under the sections cited in the chargesheet.

25.1 While dealing with the menace 'dowry' prevailing widely in the society, the court adjudicated the matters on the issue holding that it is essential to first establish a precise and judicially sound understanding of the term 'dowry' as defined under Section 2 of the Dowry Prohibition Act, 1961. The Court has further observed that the essence of this definition lies not merely in the transaction itself, but in the purpose and context of the transfer. Where such transfers are made under any form of compulsion, expectation, demand, or societal pressure arising out of the marriage, they fall squarely within the legal ambit of dowry. The Apex Court in various judgments has explored the definition of dowry in following terms:

- (i) By one party to the marriage to the other party, or
- (ii) By the parents or any other person to either party to the marriage,
- (iii) Before, during, or at any time after the marriage,
- (iv) Provided that such giving or agreement to give is made in connection with or as a consequence of the marriage.

25.2 The Apex Court has further observed that the evil of dowry is not

confined to the pre-marriage period alone. It has been held in various judgments that any demand for property or valuable security, if made in connection with the marriage, even post solemnization, would constitute dowry.

25.3 In the case of **Satbir Singh v. State of Haryana**³⁶, the Apex Court defining the term 'dowry' has stated that it must be interpreted broadly to include demands made after the marriage, provided they have a nexus with the marriage itself.

25.4 The Supreme Court has observed that a demand for money unrelated to the consideration of marriage cannot be construed as 'dowry' under Section 2 of the Dowry Prohibition Act, 1961. Reference is made to the judgement in the case of **Appasaheb v. State of Maharashtra**³⁷.

25.5 In the case of **Rajinder Singh v. State of Punjab**³⁸ the Apex Court has held that the evil of dowry takes multiple forms and the law must evolve to address both overt and subtle forms of coercive gifting in the context of marriage.

25.6 Hence, in line with both the statutory language and the judicial pronouncements, this Court affirms that any form of property or valuable transfer associated with marriage, whether direct or indirect, express or implied, demanded or expected, and occurring at any point in time surrounding the marriage, constitutes dowry if the same is causally linked to the marriage transaction. Accordingly, the law must be enforced with sensitivity to the underlying coercive and oppressive practices that often masquerade as tradition or custom.

25.7 Sections 3 and 4 of the Dowry Prohibition Act deal with penalties relating to taking and demanding dowry, thus, if any person gives or takes or even abets to give or take dowry, they are

committing an offence. Presents given at the time of marriage (without demand) to the bride or groom are not considered dowry.

26. The Apex Court, in numerous judgements has considered the ingredients of Section 307 IPC, which prescribes punishment for acts done with the intention or knowledge that, if death had occurred, the offence would amount to murder.

26.1 Dealing with the ingredient 'mens rea' (intention or knowledge), the Apex Court has held that the accused must possess the requisite mens rea to cause death. This intention is judged from the surrounding circumstances, nature of the act, and the weapon used.

26.2 Considering the ingredient 'Actus Reus' (Overt Act), the Apex Court has held that there must be an overt act committed by the accused, which, if successful, would have resulted in death.

26.3 The Supreme Court has also considered the ingredient 'proximity to the offence of murder' and held that the act must be proximate to the offence of murder, though it may fall short of causing death.

26.4 The Apex Court has considered the ingredients of Section 307 IPC in various judgements and concluded that the offence under said section is not attracted by the result but by the intended consequence and the nature of act.

26.5 In the case of **Sarju Prasad v. State of Bihar**³⁹, the Apex Court has held that mere preparation is not sufficient, there must be a direct and unambiguous act aimed towards the commission of murder.

26.6 The Apex Court in the case of **State of Maharashtra v. Kashirao**⁴⁰ has observed that even if the injury is not fatal, if the intention to kill is evident, Section 307 IPC is attracted. The Court

must examine the manner of assault, nature of weapon, and part of the body targeted.

26.7 The Supreme Court in the case of **Kuldip Singh v. State of Punjab**⁴¹, has held that the place of the injury and use of deadly weapons are crucial in assessing the intent. A blow aimed at a vital organ indicates an intention to murder, regardless of the actual injury caused.

26.8 It has been further observed by the Apex Court in the case of **R. Prakash v. State of Karnataka**⁴², that the survival of the victim is immaterial and what matters is whether the act, if not thwarted, would have caused death.

27. Coming to the facts of the present case, record shows that proceedings were initiated against the four named accused, including the applicants, through an application under Section 156(3) Cr.P.C., whereby FIR was registered alleging therein that the marriage of O.P. No. 2 was solemnized with Arjun Singh on 25.06.2023 at Ujjain, Madhya Pradesh, where one Umesh Singh Chauhan acted as a mediator for the alliance. The said marriage was registered on 27.06.2023. It has further been stated that Arjun Singh is a Canadian, who is presently residing in Toronto, Canada.

27.1 As per the allegations, the Roka ceremony took place on 11.12.2022, during which details of the gifts, including jewellery, were shared. Following the ceremony, the groom returned to Canada on 18.12.2022 as the final date of the marriage had not been decided at that time. However, the date was later, fixed for 25.06.2023. It is alleged that approximately ten days prior to the wedding, the father-in-law of O.P. No. 2 contacted her father and conveyed certain expectations. He

demanded that an amount of rupees one crore be spent on the marriage. Additionally, he made inquiries about the amount of money to be placed in envelopes for the relatives, the jewellery to be presented, and arrangements regarding hotel bookings and other related expenses. The father of O.P. No. 2 raised an objection to such demands made by the father-in-law. At the time it was stated that others were willing to spend Rs. 4 to 5 crores, as his son is a Canadian citizen. Under such pressure, he had no option but to go by the wishes and demands of father-in-law of O.P. No.2. As a result, an amount of Rs. 55 lakhs was spent on a resort in Ujjain. In addition, various other expensive gifts and jewellery were given as per expectations and desires of the in-laws. After the marriage, the bride arrived in Hapur on 26th June 2023, around 12:00 midnight. The following day, she noticed that one of her bags containing jewellery was missing. Upon asking her in-laws, she was informed that they had safely kept it with them. On 28th June 2023, a wedding reception was held at Surya Hotel, New Friends Colony, Delhi.

27.2 The newly married couple departed for London on 1st July 2023, where they stayed for a month. During their stay, her husband Arjun Singh, despite his wife's objections, engaged in physical relations with her and never used any form of contraception. In addition to the aforementioned issues, it has been claimed that her husband compelled her to spend 10,000 pounds. Furthermore, it is alleged that he does not believe in God and often speaks only of a single deity. Despite identifying as a Hindu, he consumes beef. The O.P. No. 2 noticed changes in her husband's temperament and attitude. He frequently used his mobile phone for messaging and speaking with someone, and

he never used to leave it unattended. On July 30, 2023, O.P. No. 2 had to return alone from London to India, while her husband travelled to Canada.

27.3 Based on the mobile live location data of her husband, it was discovered that he never stayed at their registered residence, at Toronto. Instead, every evening after returning from his workplace, he would go to a nearby parallel building and stay at a different location. It was further alleged that the husband had been living with a woman named Alfiya Shaheed Hasan as husband and wife for the past 13 years. Shockingly, this fact was known to his parents as well.

27.4 Upon learning the truth, the husband was called to India on 16th December 2023. On 21st December 2023, the girl's parents along with her uncle and other relatives went to Hapur for the purpose of mediation. During this meeting, the boy and his parents admitted to having knowledge of his long-standing relationship with Alfiya. However, all of them expressed regret for the aforementioned events and requested a fresh start for the couple. They urged Arjun and Simran to reconcile and begin a new life together. However, Arjun flatly refused. He stated that he could not leave Alfiya, and shockingly, proposed that Simran may accept the role of his second wife if she wishes to accompany him to Canada. Simran's relatives were deeply shocked and disturbed upon hearing this. In contrast, Arjun's parents remained completely silent, making it evident that they were fully aware of their son's relationship with Alfiya. On December 22, 2023, when the opposite party no. 2 chose to reside with her parents, the in-laws, including the husband, did not allow her to take her clothing and other personal belongings.

27.5 Since the O.P. No. 2 returned from Canada, all the accused persons, including Alfiya, have been consistently pressurizing her to remain in the same environment, atmosphere, and circumstances. They have also been urging her to return to Canada as soon as possible. Alfiya has sent multiple messages reinforcing this stance. The applicants, including the husband of O.P. No. 2, had a premeditated plan and intent to demand dowry. They solemnized the marriage between Opposite Party No. 2 and Arjun Singh with the intention to deceive. Their motive was to cheat both the O.P. No. 2 and her parents, thereby fraudulently obtaining a sum of approximately Rs. 1.20 crore in cash, along with jewellery and other valuable gifts, which are still in the possession of the applicants. To substantiate the allegations, audio and video recordings, medical bills, and various other documents demonstrating the relationship between Arjun Singh and Alfiya have also been submitted. A list of items provided by both parties have been documented and duly placed on record. An application/complaint was initially submitted before the concerned authority in Mahila Thana, Hapur, on 7th January 2024, and subsequently before the SSP on 12th January 2024, requesting for appropriate action against the alleged accused individuals. However, when no action was taken, the complaint was subsequently sent through registered post and speed post for further consideration.

28. In her statements recorded under Section 161 Cr.P.C., Simran (O.P. No. 2) largely reaffirmed the contents of the FIR, with some additional details and modifications as follows:

(i) Approximately ten days prior to the scheduled date of marriage, her in-

laws raised a demand for dowry amounting to Rs. 4 to 5 crores. In the night of 26.06.2023, her husband allegedly attempted to establish a physical relationship without her consent. The following day, upon arrival at matrimonial house (Sasural), when she requested for her jewellery, she was physically pushed by her mother-in-law, Meenakshi Singh.

(ii) Following her return from Canada and resumption of stay at the in-laws' residence, her mother-in-law constantly monitored her activities. Additionally, Simran alleged that a communication group was created to track her location. Further, there are serious allegations against both the mother-in-law and the sister-in-law, accusing them of attempting to strangle her in an effort to kill her.

(iii) Similarly, there are inconsistencies in Simran's statement as recorded under Section 164 Cr.P.C. She mentioned that both her mother-in-law and father-in-law made dowry demands. Specifically, her mother-in-law raised a dowry demand ten days prior to the wedding, which Simran overheard as the phone-speaker was on. The following day, during the reception, Simran was scolded by her mother-in-law, which she found unexpected and distressing. Simran also suspected her husband, Arjun Singh, of having an extramarital relationship with a girl named Alfiya. She requested her brother, who resides in Toronto, Canada, to look into the matter and gather information about Arjun's alleged long-term relationship with a woman named Alfiya Saheed Hasan, with whom he had reportedly been in a live-in relationship for the past 13 years. Simran further stated that she was subjected to both mental and physical abuse by her mother-in-law, Meenakshi Singh.

28.1 The Investigating Officer, based on the evidence collected during the course of the investigation, stated that no offence was found to have been committed under Sections 377, 494, and 420 of the Indian Penal Code⁴³. It was further recorded that the allegations against Ms. Swati Singh were found to be baseless, and consequently, her name was exonerated from the case. However, the investigation continued against the husband, father-in-law, and mother-in-law under Sections 498A, 323, IPC and 3/4 D.P. Act, as well as relevant provisions of the Dowry Prohibition Act.

28.2 It appears that following the transfer investigation, the General Diary (G.D.) entry dated 31st May 2024 mentions the addition of Section 307 of the IPC. This inclusion is based on the evidence collected up to that date.

28.3 Simran underwent a medical examination on 9th April 2024, which revealed no external injuries on her body. Furthermore, she declined to undergo an internal medical examination.

29. Considering the submissions as made by learned counsel for the parties and after looking into records, it is admitted position that there are three main allegations, for which the present case has been lodged. Firstly, anticipation of lavish and exorbitant expenditure in wedding arrangements to reflect societal inclination towards opulent and grandeur. The matter, in so many words, has been equated with an unlawful solicitation of dowry. Secondly, the applicants, despite being aware of Arjun's relationship with Alfiya, failed to disclose the same and even then the marriage had been solemnized for the purpose of taking dowry. Thirdly, mental and physical harassment by the applicants for the purposes of dowry.

30. It is a well-established principle of law that the court's inherent powers are to be exercised sparingly, and interference by higher courts is circumscribed by settled legal standards. The judgments related to the aspect of interference by courts while exercising their inherent powers particularly under Section 482 Cr.P.C. have evolved to establish the scope, limits, and guiding principles of judicial intervention. Some important judgements are thus:

(i) State of Haryana v. Bhajan Lal⁴⁴: The Supreme Court has laid down seven categories where the High Court may quash proceedings under Section 482 Cr.P.C. This case is a landmark on the extent to which courts can interfere in investigations and proceedings to prevent abuse of the process of law.

(ii) R.P. Kapur v. State of Punjab⁴⁵: This is one of the earliest cases recognizing the inherent powers of the High Court to quash criminal proceedings in certain exceptional situations. It emphasized that inherent powers should be exercised sparingly and only in exceptional cases where the interest of justice demands it.

(iii) Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque⁴⁶: The Courts should not interfere or quash proceedings mechanically or merely because the accused has a plausible defense. The judgment underlines that a clear abuse of process must be evident before invoking Section 482 Cr.P.C.

(iv) Inder Mohan Goswami v. State of Uttaranchal⁴⁷: The Apex Court reiterated that while exercising inherent powers, it must be ensured that such powers are used to prevent injustice and not to stifle legitimate prosecution. The Court has emphasized the need for judicial

restraint while invoking Section 482 Cr.P.C.

(v) Gian Singh v. State of Punjab⁴⁸: The said judgement permits quashing of proceedings even in non-compoundable offences where the dispute is primarily of a private nature and settlement is reached between parties. The Court has extended the scope of inherent powers for quashing, particularly in matrimonial and commercial disputes.

31. The Courts possess inherent powers to ensure justice, but these powers are extraordinary in nature. Interference is permitted only to prevent abuse of process; secure ends of justice; avoid miscarriage of justice. Such powers must not override specific provisions of law and should be exercised cautiously and judiciously. But, in matrimonial disputes where allegations seem to be frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, in such circumstances, the High Courts owe a duty to look into the FIR with care and a little more closely. In such case, it will not be enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments, and if need be, with due care and circumspection, to try and read between the lines. The observation has been made by the Apex Court in the case of **Abhishek v. State of Madhya Pradesh⁴⁹**. Paragraph-15 & 16 of the said judgement are thus:

“15. The contours of the power to quash criminal proceedings under Section

482CrPC are well defined. In *V. Ravi Kumar v. State⁵⁰*, this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In *Neeharika Infrastructure (P) Ltd. v. State of Maharashtra⁵¹*, a three Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482CrPC. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in *R.P. Kapur v. State of Punjab⁵²* and *State of Haryana v. Bhajan Lal⁵³*, the court would have jurisdiction to quash the FIR/complaint.

16. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar v. State of Bihar [Kahkashan Kausar v. State of Bihar⁵⁴*, this Court had occasion to deal with a similar situation where the High Court had refused⁵⁵ to quash an FIR registered for various offences, including

Section 498-AIPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498-AIPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.”

32. In the case of **Mirza Iqbal @ Golu & Anr. v. State of Uttar Pradesh & Anr.56**, the Apex Court proceeded to quash the charge-sheet in relation to Dewar and Mother-in-law of the girl, by observing that family members of husband were shown as accused by making casual reference to them. It is also observed that a large number of family members are shown in the FIR by casually mentioning their names and the contents did not disclose their active involvement.

33. In the case of **Mahmood Ali v. State of U.P.57**, the legal principles applicable apropos Section 482 Cr.P.C. have been dealt with and the Apex Court has observed that when an accused comes before the High Court, invoking either the inherent

power under Section 482 Cr.P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the Court owes a duty to look into the FIR with care and a little more closely.

34. Applying the aforesaid edicts to the case in hand, this Court takes note of certain glaring inconsistencies and discrepancies. In the case of **State of Haryana v. Bhajan Lal58**, the Apex Court had set out broad categories of cases in which the inherent power under Section 482 Cr.P.C. (now Section 528 BNSS) could be exercised. Relevant categories for the purposes of case in hand, as culled in **Bhajan Lal (supra)**, are thus:

“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 extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given 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 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.”

35. It is settled that no doubt in ordinary course while exercising power under Section 482 Cr.P.C. (now Section 528 BNSS), the Court is not required to test the correctness of the allegations, but in matters arising from matrimonial disputes, the Court must be circumspect in taking the allegations at their face value and must examine where allegations of malafides are there, whether those allegations have been levelled with oblique purpose. The Court has to be very careful while considering the prayer of relatives of the husband. Said observation has been made by the Supreme Court in the case of **Kamal & Ors. v. State of Gujarat & Anr.59**.

36. In the case of **Dara Lakshmi Narayana and others v. State of Telangana and another60**, the Apex Court was of the opinion that in case of allegations against family members of husband where proceedings have been initiated with ulterior motive to settle personal scores and grudges as against the husband, the High Court had erred in not exercising available to it under Section 482 Cr.P.C. and thereby failed to prevent abuse of the court's process by continuing the criminal prosecution against family members of the husband. Relevant paragraphs of the judgement in **Dara Lakshmi Narayana (supra)** are being reproduced herein below:

“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a

tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. ...

28. The inclusion of Section 498-AIPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-AIPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-AIPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

31. Further, this Court in *Preeti Gupta v. State of Jharkhand*⁶¹ held that 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 the 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 scrutinised with great care and circumspection.”

37. In the case of **G.V. Rao v. L.H.V. Prasad**⁶², the Supreme Court has observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

38. In the case of **Geeta Mehrotra & Anr. v. State of U.P. & Anr.**⁶³, the Apex Court has held observed as under:

“19. Insofar as the plea of territorial jurisdiction is concerned, it is no

doubt true that the High Court was correct to the extent that the question of territorial jurisdiction could be decided by the trial court itself. But this ground was just one of the grounds to quash the proceedings initiated against the appellants under Section 482 CrPC wherein it was also alleged that no prima facie case was made out against the appellants for initiating the proceedings under the Dowry Prohibition Act and other provisions of IPC. The High Court has failed to exercise its jurisdiction insofar as the consideration of the case of the appellants is concerned, who are only brother and sister of the complainant's husband and are not alleged even by the complainant to have demanded dowry from her. The High Court, therefore, ought to have considered that even if the trial court at Allahabad had the jurisdiction to hold the trial, the question still remained as to whether the trial against the brother and sister of the husband was fit to be continued and whether that would amount to abuse of process of court.

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25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasise by highlighting is that, if the FIR as it stands does not disclose specific allegation against the accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of

the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant wife. It is the well-settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing, especially in cases of matrimonial disputes whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of overimplication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.”

39. The Court while dealing with matrimonial disputes has to delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498A IPC was aimed at preventive cruelty committed on a woman by her husband and her in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigations in the country have also increased significantly and there is a greater disaffection and frictions surrounding the institution of marriage, now, more than ever. This has resulted in an increase tendency to employ provisions such as Section 498A IPC as an instrument to settle personal scores against the husband, his family members and relatives.

40. The Apex Court while dealing with the matrimonial dispute has observed in the case of **Rajesh Sharma and others v. State of U.P. and others**⁶⁴, as follows:

“14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression “cruelty” in Section 498-A covers conduct which may drive the women to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.” ...

41. In the case of **Arnesh Kumar v. State of Bihar and another**⁶⁵, the Supreme Court has given the following observations:

“4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are

used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested.”

42. In the case of **Preeti Gupta & Anr. v. State of Jharkhand & Anr.**⁶⁶, the Supreme Court has observed as under:

“32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. 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 of husband's close relations 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 scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful.”

43. The Apex Court in the case of **K. Subba Rao v. The State of Telangana**⁶⁷, has held thus:

“6. ...The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

44. From the aforementioned decisions it is clear that the courts have expressed concern over the misuse of Section 498A IPC and the increase of tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the informant as well as the accused. It would not be out of place to state that the Apex Court by way of its numerous judgements has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them

45. Upon examining the facts of the present case, it is evident that there are inconsistencies and deviations in the version stated in the FIR, and lacking overall clarity. The allegations levelled against the husband's family members, i.e., the father-in-law, mother-in-law, and sister-in-law, appear to be unsubstantiated. This Court is of the considered view that, at most, it is the husband who may be held accountable for the alleged offences. However, the involvement of his family members does not seem to be supported by credible evidence. It appears that they have been unnecessarily implicated in this matter with the apparent intent to exert pressure on the husband, who is currently residing outside India as a Canadian citizen.

46. In the present case, this Court finds that there are major contradictions

regarding the expenditure for preparation of marriage as raised by the in-laws, in the version of the FIR and the statements recorded under Section 161 Cr.P.C. Secondly, there is no whisper of any allegation that the father of the girl was ever threatened or coerced, either explicitly or implicitly, to fulfil the purported demands regarding gifts to relatives, selection of the marriage venue according to someone else's preference, or bearing the marriage expenses. Furthermore, there is no assertion that the marriage was ever threatened to be cancelled in the event of non-fulfilment of such demands. Therefore, it cannot be reasonably concluded that the applicants were in any manner involved in making a demand for dowry.

47. As consistently held by the Hon'ble Apex Court in various judgments, courts are expected to adopt a cautious approach in matrimonial matters, particularly while examining whether the FIR discloses the commission of a cognizable offence by the family members of the husband.

48. In the present case, it appears to be a case of over-implication, wherein the entire family of the accused has been unnecessarily roped in, possibly with the intention of settling personal scores or due to other ulterior motives. Keeping in view the observations made by the Supreme Court in similar matters, it becomes evident that the present case lacks substance in terms of specific and credible allegations.

49. The allegations made, seem to be driven more by a desire for retribution than by any genuine grievance. The FIR fails to disclose any concrete or precise accusation against the family members of the husband. There is an absence of

specific details, such as the time, place, or the manner in which the alleged harassment took place.

50. Furthermore, the informant has not mentioned any particular instance of harassment with clarity. The statements recorded under Sections 161 and 164 Cr.P.C. also show notable discrepancies when compared with the FIR. These inconsistencies further weaken the prosecution's case and indicate that the allegations may not be trustworthy or credible.

51. It is an undisputed fact that the O.P. No. 2 and her parents were aware that husband of O.P. No. 2 is a Canadian citizen. Furthermore, the informant's brother was also residing in Canada at the relevant time. Therefore, any potential relationship between Arjun Singh and Alfiya could have reasonably been discovered prior to the rushed decision to proceed with the marriage. There is no evidence to suggest the existence of a relationship between the Arjun Singh and Alfiya, nor is there any indication that the applicants were aware of such a relationship. Even the informant herself has not mentioned any instance where the applicants supported or facilitated such a relationship, if it existed at all.

52. There is no compulsion on the part of the applicants to incur extravagant expenses on marriage. It is merely customary for certain arrangements to be requested by the in-laws, which cannot be categorized as dowry under the settled position of law.

53. From the written submissions presented by the counsel for both parties, it is evident that the couple spent four days

together in Goa, from 16.12.2023 to 20.12.2023 without any reported incident of harassment. No allegations against the applicants have been mentioned beyond this period, which ultimately led to the filing of the present case.

54. In order to do justice in cases involving matrimonial disputes, often referred to metaphorically as 'mud-mule' cases, both the judiciary and law enforcement must exercise caution. As has been held in the case of **Abhishek (supra)**, it is essential to read between the lines to uncover the true nature of the allegations.

55. When accusations are levelled against the husband's family members, it is important to assess whether these allegations are genuine or merely vague, omnibus claims lacking specific details such as dates, times, or concrete incidents. Allegations that are general in nature and unsupported by clear evidence should be scrutinized carefully, particularly when there are inconsistencies between the FIR and the woman's subsequent statements.

56. In between the period i.e. 01.07.2023 to 30.07.2023, when the O.P. No. 2 was enjoying with her husband, for one month, she has not made any allegation with respect to the applicants, from which also it is clear that the case has been lodged for unnecessary harassment of the applicants who are family members of the husband.

57. The issue of flaw in the investigation has also been touched upon by learned counsel for the parties. In this regard, it has been submitted by learned counsel for the applicants that initially certain sections were excluded and the allegations against sister-in-law were found

to be unsubstantiated. However, after the change of Investigating Officer, sections like Section 307 IPC were reintroduced in the charge-sheet despite absence of credible evidence.

58. In view of the aforesaid submission, it is evident that there is no credible evidence for reintroduction of Section 307 IPC and from perusal of the version of FIR and statements of the girl / informant, this Court finds that Section 307 IPC is not made out as the medical report also does not support the version of the girl/informant. Thus, a flaw in investigation can potentially be a ground for quashing the charge-sheet, but it depends upon the nature and seriousness of the flaw. The Apex Court as well as High Courts have laid down specific principles under which a charge-sheet can be quashed under Section 482 Cr.P.C. (now Section 528 BNSS).

59. In the case of **Bhajan Lal (supra)**, the Apex Court has listed situations where the FIR or charge-sheet can be quashed, however, with an observation that the Court should exercise its power rarely and carefully. The inherent powers of this Court cannot be exercised unless the problem in investigation is so serious and unfairly harms the accused. In case, the investigation is biased or malicious, to drag and harass the applicants who are family members of the husband and also there is no clear evidence of the offence, in which charge-sheet has been filed, the Court can interfere and proceed to quash the charge-sheet.

60. As previously discussed, the inclusion of the sister-in-law's name as an accused in the charge-sheet, along with the addition of an offence under Section 307 IPC at the time of filing the charge-sheet,

constitutes sufficient grounds to quash the charge-sheet as it reflects a flaw in the investigation.

61. Given the totality of the facts and circumstances, the judgements as relied upon, arguments of learned counsel for the parties including their written submissions and the settled position of law in matrimonial cases, this Court is of the considered opinion that the allegations as made against the family members of the husband, who are the applicants herein, are insufficient and, prima facie, do not make out a case against the applicants. Further, they are so farfetched and improbable that no prudent person can conclude that there are sufficient grounds to proceed against them. In effect, the case in hand falls squarely under the Categories (1), (5) and (7) set out in the case of **State of Haryana v. Bhajan Lal**⁶⁸, thus, it is a fit case to exercise inherent powers under Section 528 BNSS (482 Cr.P.C.). Accordingly, the order impugned dated 29.10.2024, up to the extent of summoning the applicant no.1 under Sections 498-A, 323 I.P.C. and Section 3/4 D.P. Act, and applicant nos. 2 and 3 under Sections 498-A, 323, 307 I.P.C. and Section 3/4 D.P. Act, charge sheet dated 19.08.2024 and proceeding of Case No.14793 of 202469, arising out of Case Crime No. 191 of 2024, Police Station- Hapur Nagar, District- Hapur, against the applicants, pending in the court of Chief Judicial Magistrate, Hapur, are quashed.

62. Needless to say that this Court has not commented upon the husband, who is a Canadian Citizen and it is open for the O.P. No. 2 to proceed against him, if she thinks fit.

63. The present application stands allowed accordingly.

(2025) 5 ILRA 1947
REVISIONAL JURISDICTION
CRIMINAL SIDE
DATED: ALLAHABAD 12.05.2025

BEFORE

THE HON'BLE VINOD DIWAKAR, J.

Criminal Revision No. 4171 of 2024

Nirmal Kumar Fukan ...Revisionist
Versus
State of U.P. & Ors. ...Opposite Parties

Counsel for the Revisionist:

Sri Arvind Kumar Pandey, Sri Beerendra Singh Pal, Sri Giri Ram Rawat, Sri Rajesh Kumar, Sri Sunil Kumar

Counsel for the Opposite Parties:

G.A., Sri Mukesh Kumar Pandey, Sri Sudhir Mehrotra

Criminal Procedure Code, 1973 — Section 125 — Maintenance to wife — Compliance of Supreme Court directions — Filing of affidavit of assets and liabilities — Rajnesh v. Neha, (2021) 2 SCC 324 — Aditi @ Mithi v. Jitesh Sharma, Criminal Appeal No. 3446 of 2023 — Smt. Parul Tyagi v. Gaurav Tyagi, 2023 SCC OnLine All 2684 — Persistent non-compliance by Family Courts — Repeated circulars and judicial training ignored — Chronic delay in deciding interim maintenance — Systemic judicial inertia — Directions issued for statewide compliance and accountability — Registrar General to place order before Hon'ble Chief Justice. (Paras 4, 6, 10, 11, 13, 16, 22–24, 27–34)

HELD:

Parting with the facts of the instance case, this is not the first case in which this Court has noticed non-compliance with the above referred judgments. This Court has observed that circulations of judgments on the direction of Hon'ble Supreme Court by this Court have a little effect on the working of the trial Courts,