

GAHC010020412022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./82/2022

AISHWARYA JAIN AND 6 ORS
W/O SH. JINENDER KUMAR JAIN
D/O SH. SANJAY JAIN,
R/O D-23, GROUND FLOOR, GULMOHAR PARK, NEW DELHI-110049, MOB.
NO. 919650480706

2: SH. SANJAY JAIN
S/O LATE SH. SURESH CHAND JAIN
R/O D-23
GROUND FLOOR
GULMOHAR PARK
NEW DELHI-110049
MOB. NO. 919811042561

3: SH. ANIMESH JAIN
S/O SH. SANJAY JAIN
R/O D-23
GROUND FLOOR

GULMOHAR PARK
NEW DELHI-110049
MOBILE NO. 919811757888

4: SMT. AAKRITI JAIN CHHABRA
W/O SH. SHANKER CHHABRA
R/O F-124
1ST FLOOR
ASHOK VIHAR
PHASE-1
DELHI-110052
MOB. NO. 919871359259

5: SH. SHANKER CHHABRA

S/O SH. P.K. CHHABRA
R/O F-124
1ST FLOOR

ASHOK VIHAR
PHASE-1
DELHI-110052

MOB. NO. 919868155555

6: SH. MUKESH JAIN
S/O LATE SH. H. C JAIN
R/O T-15
2ND FLOOR
GREEN PARK EXTENSION
NEW DELHI-110017

PRESENTLY RESIDING AT
JITPL
VIL. DERANG
DIST. ANGUL
ODISHA-759117

MOB. NO. 919810023334

7: SH. PRAVEEN JAIN
S/O LATE SH. H. C. JAIN
R/O L-10 SOUTH EXTENSION PART-II

NEW DELHI-110049
MOB. NO. 91981001900

VERSUS

THE STATE OF NAGALAND AND ANR
REP. BY THE PUBLIC PROSECUTOR, NAGALAND.

2:SH. JINENDER KUMAR JAIN
S/O SHRI NIRMAL KUMAR JAIN
R/O F-35
SECOND FLOOR

GREEN PARK MAIN
NEW DELHI-110016.
ALSO RESIDES AT-
JINDER TOWER
OLD DAILY MARKET
NEAR SHANI MANDIR DIMAPUR

NAGALAND-797112
MOB. NO. 919402211111
9999498811
LANDLINE NO. 03862-22418

Advocate for the Petitioner : MR DEBOJIT SAIKIA

Advocate for the Respondent : PP, NAGALAND

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

JUDGEMENT AND ORDER

Date : 18-01-2023

Heard Mr. D. Saikia, learned Advocate General, Assam, assisted by Mr. B. Gogoi, learned counsel for the petitioners. Also heard Mr. P.N. Choudhury, learned Senior counsel assisted by Mr. A. Chandan, learned counsel for the respondent no. 2 as well as Ms. M. Kechi, learned Additional Public Prosecutor for the State of Nagaland/respondent no.1.

2. The petitioner no. 1 is the wife of the respondent no. 2 and petitioner no. 2 to petitioner no. 7 are the relatives of petitioner no. 1. The petitioners have filed an application u/s 482 of Cr.P.C., 1973 seeking quashment of the FIR dated 12/10/2021 registered as Sub Urban police station case no. 79/2021 u/s 420/384/389/506/34 IPC at Dimapur, Nagaland.

3. The brief facts of the case is that the petitioner no. 1 became acquainted with the respondent no. 2 sometime in the year 2012 in a common coaching class. Subsequently they became friends and started

meeting more often. In January 2019, the respondent no. 2 confessed his feelings for the petitioner no. 1 which she outrightly denied at that time. Thereafter, despite the reluctance from the petitioner no.1, the respondent no. 2 constantly pursued the petitioner no. 1 for about 4/ 5 months until she agreed to his proposal in May, 2019.

4. The families of the petitioner no. 1 and the respondent no. 2 first met on 26.01.2020 at Delhi. They assured the parents of the petitioner no. 1 that they would treat her as their own daughter. Subsequently, in the month of February, 2020 the parents of petitioner no. 1 along with petitioner no. 1 and her brother, petitioner no. 3 visited Dimapur, Nagaland, the native place of respondent no. 2 at his request. They stayed there for two nights only. Having believed everything that was displayed before them by the respondent no. 2, the parents of the petitioner no. 1 had agreed to solemnize the marriage between the petitioner no. 1 and respondent no. 2 and accordingly their marriage was held on 27/11/2020. After marriage the petitioner no. 1 resided at her matrimonial home at Delhi with the parents of respondent no. 2, sister-in-law and their husbands. On the very first day of her marriage, all of her jewellery (including Stridhan) valuable articles, important documents (such as passport etc) given to her at the time of marriage were taken away by her in laws. Thereafter, the petitioner no. 1 along with respondent no. 2 also visited the parental home of the respondent no. 2 at Dimapur, Nagaland and stayed there for couple of months after marriage.

5. It is alleged by the petitioners in the petition that immediately after the solemnization of marriage, the petitioner no. 1 was subjected to torture, cruelty, harassment and humiliation both physically and mentally

at the hands of respondent no. 2 and his family members for not bringing substantial wealth to the family of her in-laws. The petitioner no. 1 after enduring verbal and physical abuse for about 6 months, was constrained to leave the house of respondent no. 2 on 16.05.2021 within a short span of six months and took shelter at her parental home at New Delhi. Subsequently, the petitioner no. 1 had lodged an FIR against the respondent no. 2 and his family members on 10.09.2021 alleging physical and mental torture hurled towards her by the respondent no. 2 and his family members before the ACP Crime Against Women Cell, South District, New Delhi. On the basis of the said FIR, a case was registered vide South Delhi GK PS Case no. 321/2021 u/s 120 B/406/420/354/498A/509 IPC and section 3 & 4 of Dowry Prohibition Act.

6. Later on, to settle the matter amicably some meetings were held between the parties, with the consent of both the parties and their family members so as to return the jewelleries, articles and stridhan properties of petitioner no. 1. The meetings were held by the family members of both petitioner no. 1 and respondent no. 2 but the settlement could not be materialized but subsequently the jewellery, articles and stridhan properties were returned to the petitioner no.1.

7. On 10.12.2021, the petitioner nos. 1, 2, 3, 5 and 6 received notice issued u/s 41 A of Cr.P.C., 1973 by the investigating officer Sub Urban police station, Dimapur, Nagaland directing their appearance before him on or before 27.12.2021. They were shocked to know that an FIR has been registered against them. The said notice was not accompanied by the copy of the FIR, however, it could be gathered from the contents of the notice that the FIR was registered for the offence of cheating,

extortion and criminal intimidation. On 20/12/2021, the petitioners obtained the certified copy of the impugned FIR from the office of the Chief Judicial Magistrate, Dimapur, Nagaland. On going through its contents, the petitioners found that all the accusations made against them were false, baseless and concocted.

8. Being aggrieved by the lodging of false FIR, the petitioners have moved before this Court for quashing the FIR no. 79/2021 dated 12/10/2021.

9. Learned Senior Counsel Mr. D. Saikia appearing for the petitioners has argued before this Court that the impugned FIR is maliciously and subsequently instituted by the respondent no.2 as a counter blast to the police complaint filed by the petitioner no. 1 dated 10/09/2021 and subsequently registered as FIR no. 321/2021. At the instance of the police complaint of the petitioner no. 1, the respondent no. 2 was required to appear before the Crime Against Women Cell, South District, New Delhi on 20/09/2021 and 27/09/2021. He deliberately avoided the appearance and instead filed the police complaint before the Sub Urban Police station, Dimapur, Nagaland.

10. It is also the submission of the Learned Senior Counsel for the petitioners that the impugned FIR has been admittedly filed by the respondent no. 2 simply to get preemptive protection against any hostile action at the behest of the petitioners if any and nothing more, without there being any actual offence having been committed. The only allegation leveled against the present petitioners is that the respondent no. 2 received some phone calls from some unknown no's requesting him to amicably settle the dispute with the petitioner no. 1 and the said mere

statements cannot be the basis for registering the police case against the present petitioners at Nagaland and thus the said police case as well as the FIR is liable to be quashed.

11. Mr. D. Saikia has also contended that the ingredients and gravamen of the alleged offences u/s 420/384/389/506 IPC are prima facie not being made out in the complaint. A bare perusal of the impugned FIR reveals that there is no cognizable offence made out against the present petitioners. The entire dispute is a matrimonial dispute between the petitioner no. 1/wife and the husband respondent no. 2. Majority of the allegations are against the petitioner no. 1 alone and the averments are in the nature of personal grievances between husband and wife. As much as those allegations are false and not supported by any evidence, they do not attract any criminality.

12. Learned Senior Counsel for the petitioners also pointed out that this is a fit case for the quashing of the impugned FIR and falls within the parameters as laid down by the Supreme Court in the case of *State of Haryana vs. Bhajan Lal* reported in AIR 1992 SC 604.

13. In support of his submissions learned counsel for the petitioners has also placed reliance on the following case laws –

- a. (2013) 14 SCC 374 (Chandralekha and others vs. State of Rajasthan and others).
- b. (2007) 12 SCC 369 (Pratibha vs. Rameshwari Devi and others).
- c. (2012) 10 SCC 741 (Geeta Mehrotra vs. State of UP and another).
- d. (2014) 12 SCC 362 (Amarendu jyoti and others vs. State of Chattisgarh and others).
- e. (2021) 3 SCC 751 (Archana Rana vs. State of UP and another).

f. (2015) 7 SCC 423 (Manik Taneja and another vs. State of Karnataka and another).

14. Per contra learned Senior counsel Mr. P.N. Choudhury representing the respondent no.2 has argued that the respondent no. 2 is a permanent resident of Dimapur, Nagaland. He went to Delhi in the year 2012 for pursuing high school and under graduate studies where he met petitioner no. 1 who was his classmate. He entered into relationship with her in 2018. Subsequently, they decided to get into matrimonial relationship by way of marriage and accordingly the petitioner no. 1 and her family members came to Dimapur to meet the family members of respondent no. 2 and subsequently their marriage was held in Delhi.

15. It is further submitted that the petitioner no. 1 left the matrimonial home on her own accord and volition on 16.05.2021 after a mere five months of their marriage. In July, 2021, both the families met in New Delhi to try to resolve the issues between the petitioner no. 1 and the respondent no. 2 but was unsuccessful. Thereafter, the petitioner no.1 lodged the complaint against the respondent no.2 and his family members with an allegation of torture and harassment and demand of dowry. Subsequently, some other cases were also filed against the respondent no. 2 claiming maintenance u/s 125 Cr.P.C., Domestic Violence Act etc.

16. Learned Senior counsel for the respondent no.2 has also submitted that in the month of September, 2021 the respondent no. 2 received an unknown phone call claiming to be police officer from Women Cell, Delhi requiring his presence for an enquiry related to the complaint lodged by the petitioner no. 1. But the said official was unable to provide any summons/warrant or any case number to the respondent no. 2 to respond

officially.

17. It is also alleged by the learned Senior counsel Mr. P.N. Choudhury that subsequently several phone calls were received by the respondent no. 2 from the family members of petitioner no. 1 with threats and demanding of Rs. 3 crores to settle the issues between the parties. Consequently finding no other alternatives the respondent no. 2 was compelled to lodge the FIR against the present petitioners.

18. Learned Senior counsel by referring the case law of *Chandralekha and others vs. State of Rajasthan and another* reported in (2013) 14 SCC 374 by stating that the investigation was proceeding by the investigating team having taken permission from the jurisdictional magistrate to proceed to New Delhi for questioning in furtherance of the ongoing investigation against the petitioners so as to complete investigation and to submit final form as the case may be. But this court ought not to interfere at the ongoing investigation which is yet to ascertain whether the cognizable offences are made out or not because if such investigation is having been prematurely stopped by the impugned stay order it would frustrate the cause of justice. Learned Senior counsel relied on the judgment of *P. Chidambaram vs. Directorate of enforcement* (Criminal Appeal No. 1340/2019).

Learned Senior counsel for the respondent no. 2 has also cited some other case laws in support of his submissions –

- a. *Arnesh Kumar vs. State of Bihar* (Criminal Appeal no. 1277 of 2014).
- b. *Ramachandra Bharati @ Satish Sharma VK and other vs. State of Telangana* [2022 Live law (SC) 986].

19. Having heard the learned counsel for the parties and after considering the materials on record and the complaint filed by the respondent no. 2, it is pertinent to consider the scope and power of the High Court to quash an FIR in the exercise of its inherent powers u/s 482 of Cr.P.C. It is at this stage appropriate to refer section 482 of the code which reads as follows –

“Section 482 – saving of inherent powers of High Court –

Nothing in this code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this code or to prevent abuse of the process of any court or to otherwise secure the end of justice.”

20. A bare look at this provision would show that while exercising such inherent powers, the High Court must be satisfied that either-

- i. An order passed under the code would be rendered ineffective or
- ii. The process of any court would be abused or
- iii. The ends of justice would not be secured.

21. In the case of *State of West Bengal vs. Swapan Kumar Guha (1982) 1 SCC 56*, it was observed by the Hon'ble Supreme Court that if the FIR did not disclose the commission of a cognizable offence, the court would be justified in quashing the investigation on the basis of the information as laid or received. In the said judgment, it has laid down the legal propositions as follows-

“.....the legal position is well settled. The legal position appears to be that if an offence is disclosed the court will not normally interfere

with an investigation into the case and will permit investigation into the offence alleged to be completed, if however the materials do not disclose an offence, no investigation should normally be permitted..... Once an offence is disclosed, an investigation into the offence must necessarily be followed in the interest of justice. If, however, no offence is disclosed an investigation cannot be permitted, as any investigation, in the absence of any offence being disclosed, will result in unnecessary harassment to a party whose liberty and property may be put to jeopardy for nothing. The liberty and property of any individual are sacred and sacrosanct and the court jealously guards them and protects them. An investigation is carried on for the purpose of gathering necessary materials for establishing and proving an offence which is disclosed. When an offence is disclosed a proper investigation in the interest of justice becomes necessary to collect materials for establishing the offence and for bringing the offender to book. In the absence of a proper investigation in a case where an offence is disclosed the offender may succeed in escaping from the consequences and the offender may go unpunished to the detriment of the cause of justice and the society at large. Justice requires that a person who commits an offence has to be brought to book and must be punished for the same. If the court interferes with the proper investigation in a case where an offence has been disclosed the offence will go unpunished to the serious detriment of the welfare of the society and the cause of justice suffers. It is on this principle that the court normally does not interfere with the investigation of a case where an offence has

been disclosed. Whether an offence has been disclosed or not must necessarily depend on the facts and circumstances of each particular case. If on a consideration of the relevant materials the court is satisfied that an offence is disclosed, the court will normally not interfere with the investigation into the offence and will generally allow the investigation into the offence to be completed for collecting materials for proving the offence.”

22. In *Pratibha Rani vs. Suraj Kumar and another* (1985) 2 SCC 370, the Hon’ble Supreme Court has observed as follows –

“It is well settled by a long course of decisions of this court that for the purpose of exercising its powers u/s 482 Cr.P.C. to quash an FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same per se. It has no jurisdiction to examine the correctness or otherwise of the allegations.”

23. In *Madhav Rao Jiwaji Rao Scindia and others vs. Sambhaji Rao Chandroji Angre and others* reported in (1988)1 SCC 692, the Hon’ble Supreme Court has reiterated the same principle and laid down that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence.

24. Again in the case of *State of Bihar vs. Murad Ali Khan and others* reported in (1988) 4 SCC 655, the Hon’ble Supreme Court has laid down that the jurisdiction u/s 482 of the code has to be exercised sparingly and with circumspection and has observed that in exercising the jurisdiction, the High Court should not embark upon an enquiry either the allegation in

the compliant are likely to be established by the evidence or not.

25. From the principles laid down in the aforesaid decisions, it is clear that the court is entitled to exercise its inherent jurisdiction for quashing a criminal proceeding or an FIR when the allegations made in the same do not disclose the commission of an offence and that it depends upon the facts and circumstances of each particular case. I also feel it just and proper to refer to a leading decision of Hon'ble Supreme Court in the State of Haryana vs. Bhajanlal (supra) in which Hon'ble Supreme Court has pointed certain category of cases by way of illustrations wherein the inherent power u/s 482 of the code can be exercised either to prevent the abuse of process of any court or otherwise to secure the ends of justice. They are as follows-

- i. Where the allegations made in the FIR or the compliant, 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.
- ii. Where the allegations in the FIR and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers u/s 156 (1) except under an order of a magistrate within the purview of s. 155 (2) of the code.
- iii. 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.
- iv. 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 u/s 155(2) of the code.

v. Where the allegations 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.

vi. 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 continuation of the proceeding 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.

vii. Where a criminal proceeding is manifestly attended with malafide 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.

26. Keeping the aforesaid principles in mind and considering the decisions as referred herein above, let us now apply them in the facts of the present case.

27. It is an admitted fact that the petitioner no. 1 had entered into a wedlock with the respondent no. 2 on 27/11/2020. The petitioner no. 2 is the father of the petitioner no. 1 and petitioner nos. 3 to 7 are the relatives of petitioner no. 1. The petitioner no. 1 left her matrimonial home on 16/05/2021. In the FIR the petitioner no. 1 had alleged that during her

stay in her matrimonial home she was subjected to harassment and cruelty by her husband/respondent 2 and his family members as they were dissatisfied with the articles the petitioner no. 1 had brought as Stridhan.

28. It is also an admitted fact that petitioner no. 1 had lodged an FIR on 10/09/2021 and subsequently, the respondent no.2 had lodged the FIR on 12/10/2021 with an allegation that after the marriage when the petitioner no. 1 came to Dimapur at her matrimonial home initially for few days she was normal and soon she got vexed with the place as she could not accommodate herself with the lifestyle of the town.

29. It is also alleged that the petitioner no. 1 started demanding money for her day to day expenditure in lakhs in a week, for which the respondent no. 2 used to borrow money from his father and other relatives. It is further alleged that subsequently respondent no. 2 came to know that the petitioner no. 1 was addicted to smoking and drinking. She used to tell that life in Dimapur is boring and insisted him to go to Delhi. When the respondent no. 2 refused to agree with her proposal, then the petitioner no. 1 and her family members demanded 3 lakhs a week for her expenditure and when he did not agree with her demands, the petitioner no. 1 started assaulting him both mentally and physically and used to give threats to file dowry and other criminal cases against him and his family members.

30. The respondent no. 2 also alleged in the FIR that when he visited Delhi and stayed there for couple of days in the month of February, all these days the petitioner no.1 and her family members was only on one mission to pressurize him to settle in Delhi and demand his share from his

parents' property with the help of her brother-in-law and sisters who are lawyers in Delhi as they would help to settle the partition of the property with his parents and sisters. It is also alleged that when their plan was not successful the petitioners started to demand more money i.e. Rs. 3 crores from the parents of the respondent no. 2.

31. Lastly, the respondent no. 2 has alleged in the FIR that the petitioners on the pretext of false dowry cases in the Women Cell offered to settle the matrimonial dispute upon an handsome amount of money which amounts to extortion. It is also stated in the FIR that the respondent no. 2 and his family members went in depression as they could not meet the extortion amount of Rs. 1 crore demanded by the petitioners and they were also under serious threat of life as they were getting calls from unknown numbers to settle the issue with the petitioner no. 1 or to face the consequences.

32. It is seen that on the basis of the FIR lodged by the respondent no. 2, a case was registered by the Dimapur police u/s 384/420/389/506 IPC. The main allegation against the petitioner no. 1 is that she did not like the place of her matrimonial home which is a boring town and she insisted the respondent no. 2 to shift from Dimapur to Delhi. She demanded money for her day to day expenditure in a lac of rupees in a week. According to respondent no. 2 as he did not agree with the proposal to join in the family business with the father of petitioner no. 1 and refused to shift from Dimapur to Delhi, the petitioner no. 1 left his house according to her own will. I do not find any of the allegations made in the FIR registered u/s 389/384/420/506 IPC covers the ingredients of the alleged offence against the present petitioners.

33. The second part of the allegations made in the FIR is that the petitioner no. 1 and her family members used to demand one to three crores of Rupees from the respondent no. 2 and his family members with the pretext to resolve the dispute between the respondent no. 2 and petitioner no. 1. There is no specific allegations against petitioner nos. 2 to 7 from whom he received phone calls for the payment of money.

34. Having gone through the contentions of the complaint in question which is duly produced on report as annexure 1, no specific allegations can be said to have averred by the respondent no. 2 against the petitioner nos. 2 to 7. The law is well settled that the general and vague allegations would not be sustainable against the petitioners herein.

35. At this stage it is apposite to refer to the following position of law –

In the case of *Neelu Chopra and another vs. Bharti* reported in (2009) 10 SCC 184 which reads as follows –

“In order to lodge a proper complaint, mere mention of the sections and the language of those sections is not be all an end of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing of that offence. When we see the complaint, the complaint is sadly vague. It does not show as to which accused has committed what offence and what is the exact role played by these appellants in the commission of offence. The allegations are made against Rajesh only but he is no more and has already expired. Under such circumstances, it would be an abuse of process of law to allow the

prosecution to continue against the aged parents of Rajesh, the present appellants herein on the basis of vague and general complaint which is silent about the precise acts of the appellants."

36. In the case of *Anand Kumar Mohatta and another vs. State (NCT of Delhi) Department of Home and Another* reported in (2019) 11 SCC 706 which is reproduced as follows-

"We are of the opinion that the present case falls under the first, third and fifth category set out in the para 102 of the judgment in the case of Bhajan Lal (supra). In such a situation the High Court erred in dismissing the petition of the appellants filed u/s 482 of Cr.P.C. This was a fit case for the High Court to exercise its inherent power u/s 482 Cr.P.C. to quash the FIR.

It is necessary here to remember the words of this court in State of Karnataka vs. L. Muniswami and others (1977) 2 SCC 699 which reads as follows –

"In the exercise of this wholesome power the High Court is entitled to quash a proceeding if it comes to the conclusions that allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice requires that the proceeding ought to be quashed. The saving of the High Court's inherent powers in both civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case the veiled object behind the lame prosecution, the very nature of the material on which the structure

of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice”.

37. In the case of *Natubhai Sumabhai Rohit and others vs. State of Gujarat* reported in *Criminal Mis. Application no. 20679 of 2013* which reads thus –

“Besides to the generality and the vagueness of the allegations, if the ingredients necessary to make out the offence u/s 498A IPC are looked into as observed by the Supreme Court in Bhashkar Lal Sharma vs. Monika (2009) 10 SCC 604, the allegations of harassment should be such nature and extent so as to coerce the wife to meet any unlawful demand of dowry or any other unlawful demand of dowry or any other unlawful conduct on part of the accused of a nature which is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health. Closely examining the allegations in the instant FIR, these elements as well as the degree of seriousness in the allegations could be said to be in wanting.”

38. In the case of *G.V. Rao vs. L.H. V. Prasad* (2000) 3 SCC 693 the Supreme Court held that a complaint relating to matrimonial dispute where all the members are roped into irrespective of role, becomes liable to be quashed. The court observed as under –

“there has been an outburst of matrimonial dispute 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 skirmishes suddenly erupt which 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 counseled and brought about rapprochement are rendered helpless on there 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 parities may ponder over their default and terminate their dispute 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.”

39. In view of the aforesaid ratio as referred above and facts of the present case, the allegations leveled against the present petitioners can be said to be vague and devoid of merit. The dispute is mainly between the husband and wife. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing of that offence. Looking to the complaint in question the allegations leveled against the present petitioners in the impugned FIR registered with Sub Urban Police Station, case no. 79/2021 in Dimapur, Nagaland, while being vague which records no specific role attributed to the present petitioners herein.

40. In view of the aforesaid findings as stated above, the petition is allowed. The FIR being Sub Urban police station case No. 79/2021 u/s 420/384/389/506/34 IPC is hereby quashed. This is only with regard to the present proceedings and if any other proceedings which are pending between the parties, the same would continue in accordance with law.

41. With the aforesaid observations, the criminal petition is disposed of at the admission stage. There is no order as to cost.

JUDGE

Comparing Assistant