

Court No. - 79

Case :- APPLICATION U/S 482 No. - 20905 of 2013

Applicant :- Nihal And 4 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Sunil Kumar Singh,Zafeer Ahmad

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Prashant Kumar,J.

1. No one has put appearance on behalf of the parties to press the instant application even in the revised call of the cause list. However learned AGA for the State opposite party no. 1 is present for the State.

2. Heard learned AGA for the State-opposite at length and perused the record.

3. The instant applicant under Section 482 Cr.P.C. has been filed by applicant no.1 Nihal (Father-in-law), applicant no. 2 Sajia (Nand), applicant no. 3 (brother of father-in-law), applicant no. 4 Bilal (brother of father-in-law) and applicant no. 5 (brother of father-in-law) seeking quashing of the entire proceedings of Complaint Case as well as the impugned order dated 28.07.2012 passed by the Court of learned Illrd Additional Civil Judge (J.D.)/ Judicial Magistrate, J.P. Nagar (Amroha) in Complaint Case No. 2309 of 2012 (Ishrat Jahan vs. Shueb Alam and others), under Section 498A I.P.C., Police Station Naugawan Sadat, District Amorha (J.P. Nagar).

4. Record shows that the coordinate Bench of this Court while entertaining the matter had already refused to quash the proceedings of the instant matter against the applicant no. 1 (father-in-law) and finally disposed off the application so far as the applicant no. 1 is

concerned, vide order dated 03.07.2013 and provided protection to the applicant nos. 2 to 5.

5. Perusal of record transpires that the marriage of opposite party no. 2 was solemnized with the son (Shoeb) of applicant no. 1 in the year 2009. Due to matrimonial discord, opposite party no. 2 filed a complaint against the applicants under sections 498A, 323, 506 I.P.C and Section 3/4 D.P. Act, with the allegation that opposite party no. 2 was subjected to various kinds of cruelty by the accused persons due to non-fulfillment of their demand of additional dowry, they threw her out of the matrimonial home. Learned Magistrate after recording the statement summoned the applicants to face trial under section 498-A I.P.C. on 28.07.2012, the same is under challenge by means of the instant application.

6. It is averred in the instant application that after the marriage husband of opposite party no. 2 went to Saudi Arabia, leaving behind opposite party no. 2 and a minor girl and when opposite party- No. 2 asked to accompany him, he refused to take her to Saudi Arabia and due to which she become annoyed and filed a false complaint against the family members of her husband, with an oblique motive to harass not only her husband (who is not a party in the instant petition), but also the other family members, who have no direct involvement in the matrimonial affairs. It is claimed that no specific role has been attributed to family members, and the allegations levelled against them are general and omnibus in nature. It is also claimed that continuation of proceedings against them would amount to abuse of the process of law.

7. So far as applicant nos. 2 to 5 are concerned, it is claimed that the allegations made in the complaint against them are general in nature. It is also claimed that the entire family members of her husband who are in-laws of opposite party no. 2 [applicant no. 2 Sajia (Nand), applicant no. 3 (brother of father-in-law), applicant no. 4 Bilal

(brother of father-in-law) and applicant no. 5 (brother of father-in-law)] have been roped in just to put undue pressure. It is further claimed that instant proceeding is nothing else but pure abuse of process of law and liable to be quashed.

8. Learned AGA submits that, in so far as husband (Shoeb) of opposite party no. 2 is concerned, he is not the party in the instant application and so far as applicant no. 1, who is father-in-law, is concerned, application against him had already been rejected vide order dated 03.07.2013, the allegations against him is specific and is duly supported by the statement of the complainant and other witnesses. There is general allegation levelled against the applicant nos. 2 to 5 who are in-laws of opposite party no. 2.

9. Heard the submissions advanced by learned AGA and perused the record.

10. A perusal of the complaint and the accompanying documents clearly indicates that the complainant has sought to implicate the entire family members of her husband including applicant no. 2 Sajia (Nand), applicant no. 3 (brother of father-in-law), applicant no. 4 Bilal (brother of father-in-law) and applicant no. 5 (brother of father-in-law). It appears to be a classic case of over-implication with intention to exert undue pressure on her husband by roping in his entire family.

11. However, on careful examination of the record, this Court finds force in the claim applicant nos. 2 to 5. The allegations against them are vague, general, and lacking in specific details. Even the statements recorded under Sections 200 and 202 Cr.P.C. do not disclose any specific role or overt act attributable to them.

12. In the matter of **Geeta Mehrotra & Another v. State of Uttar Pradesh & Anr.**, 2012 (10) SCC 741, the Hon'ble Supreme Court has held as follows:-

"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 emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against 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 the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute 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 over-implication 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."

13. The Hon'ble Supreme Court has further held that if the contents of the complaint case/FIR do not disclose specific allegation against the relatives of the husband except casual reference to their names, it would not be just to direct them to suffer the ordeal of facing criminal trial pending against them specially when the FIR does not disclose ingredients of offences under Section 498A I.P.C. read with Section 3/4 of Dowry Prohibition Act.

14. Furthermore, the Hon'ble Supreme Court in number of cases has reiterated the importance of preventing the abuse of the legal and judicial process in matrimonial disputes. The court emphasized that if the FIR fails to disclose specific allegations against the family members of husband, especially in matters of matrimonial bickering, it would be an abuse of the legal and judicial process to mechanically subject the named accused to trial. This principle is applicable to the present case, where the allegations against the applicant are vague and general in nature, lacking specific instances of wrongdoing. By quashing the criminal proceedings against the applicants, the court ensures that the legal process is not misused to harass individuals based on unsubstantiated accusations, thus upholding the principles of justice and fairness.

15. However, so far as the general allegations are concerned, the law has been settled by the Hon'ble Supreme Court in the matter of **Kahkashan Kausar alias Sonam v. State of Bihar, (2022) 6 SCC 599**.

16. It is to be seen that the general and vague allegation in respect of a matrimonial dispute against in-laws is indicative of the fact that the allegations are founded in order to enhance the gravity of the offence. The Hon'ble Supreme Court in **Kahkashan Kausar alias Sonam's case (supra)** has quashed the proceedings of a matrimonial dispute due to the vague nature of allegations against the in-laws. It is evident that the same rationale applies in the present case. The Court has reiterated that relatives of the husband cannot be compelled to undergo trial without specific allegations of dowry demand and emphasized the need to discourage criminal trials that lack specific charges.

17. The Hon'ble Supreme Court in **Neelu Chopra v. Bharti (2009) 10 SCC 184**, has held that mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the *'be all and end all'* of the matter, as 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 the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498-A IPC. Therefore, considering the vague and general nature of the allegations against the applicants, and in accordance with the principles enunciated by the Supreme Court, this Court deems it fit to quash the criminal proceedings initiated against the applicant.

18. As per the principles enunciated by the Hon'ble Supreme court, it becomes imperative to assess the nature of the allegations levelled against the applicants. The ration laid down by the Hon'ble Supreme Court in catena of judgments, which has been mentioned hereinabove, highlights the common tendency to implicate not only

the husband but also his immediate relations in complaints filed under Section 498-A IPC. However, it is essential for the courts to exercise careful scrutiny and consider pragmatic realities while dealing with such complaints, especially concerning allegations against distant relatives who may have had minimal or no involvement in the events alleged.

19. Since in the instant matter, so far as applicant nos. 2 to 5 are concerned, there is no specific averments against them, who are family members of husband of opposite party no. 2, hence, following the ration laid down by the Hon'ble Supreme Court and considering the facts and circumstances of the case, the present application qua the applicant nos. 2 to 5 are hereby **ALLOWED** and the proceedings of Complaint Case as well as the impugned order dated 28.07.2012 passed by the Court of learned Illrd Additional Civil Judge (J.D.)/ Judicial Magistrate, J.P. Nagar (Amroha) in Complaint Case No. 2309 of 2012 (Israt Jahan vs. Shoeb Alam and others), under Section 498A I.P.C., Police Station Naugawan Sadat, District Amroha (J.P. Nagar) are hereby **quashed**.

Order Date :- 24.07.2025

Bhanu