Neutral Citation No. - 2025:AHC:121201

Reserved on 09.07.2025

Delivered on 24.07.2025

Court No. - 79
Case :- APPLICATION U/S 482 No. - 38170 of 2014
Applicant :- Bhoop Singh and Anr.
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Prateek Kumar,Santosh Tripathi
Counsel for Opposite Party :- Govt. Advocate

Hon'ble Prashant Kumar,J.

1. Heard Ms. Kokil Agarwal, advocate, holding brief of Sri Prateek Kumar learned counsel for the applicants, Sri Shashi Dhar Pandey, learned A.G.A. for the State-Opposite Party No.1, and perused the material on record. Despite service of notice, no one has appeared on behalf of the opposite party no.2.

2. The present application under Section 482 Cr.P.C. has been filed for quashing of the cognizance/summoning order dated 18-06-2014 as well as entire proceedings of Case No. 423 of 2014, arising out of case crime no. 86 of 2013, under Sections 498A, 323, 504, 506 IPC and Section 3/4 D.P. Act, pending in the court of learned Judicial Magistrate, Gautam Budh Nagar.

3. The instant application arises out of matrimonial discord. Marriage of sister of opposite party no.2 was solemnized with brother of applicant no.1 on 07-02-2010. Due to matrimonial discord, opposite party no.2 (brother of the victim) lodged F.I.R. against her husband and relatives of her husband i.e. present applicants on 19-08-2013. In the F.I.R., it was alleged that sister of opposite party no.2 subjected to various kind of cruelty by the accused persons due to non-fulfillment of their demand of additional dowry. However, apart from her husband, opposite party no.2 has implicated Bhoop Singh (father-in-law) and Smt. Lajja (mother-in-law,). After investigation charge-sheet was submitted on 25-02-2014 and cognizance was taken on 18-06-2014. Charge-sheet and entire proceedings have been assailed by means of this application.

4. It is submitted by the learned counsel for the applicants that the instant F.I.R., has been falsely instituted by opposite party no.2 (brother of the victim) with an oblique motive to falsely implicate the applicants, who have no direct involvement in her matrimonial affairs. It is pointed out that no specific role has been attributed to the family members and the allegations levelled against them are vague, general, and omnibus in nature. It is contended that continuation of proceedings against them would amount to an abuse of the process of law.

5. To buttress his arguments, he has placed reliance upon judgments passed by the Hon'ble Apex Court in the cases of ***Achin Gupta v. State of Haryana, (2025) 3 SCC 756, Muppidi Lakshmi Narayana Reddy and others v. State of Andhra Pradesh and another; 2025 SCC Online SC 884, Kahkashan Kausar alias Sonam v. State of Bihar, (2022) 6 SCC 599.***

6. He has further placed reliance on ***Geeta Mehrotra & Another v. State of Uttar Pradesh & Anr., (2012) 10 SCC 741****, and* ***Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667****.*

7. Per contra, learned A.G.A. submits that the allegations made in the F.I.R. against the applicants are correct, and admittedly there was additional dowry demand by the applicants. The averments made in the F.I.R. have been fully corroborated by the statements of the witnesses, and a perusal of the F.I.R. prima facie discloses a cognizable offence against the applicants

8. Heard rival submissions advanced on behalf of both the sides and perused the record.

9. A perusal of the F.I.R. and accompanying documents clearly indicates that the complainant has sought to implicate the in-laws of his sister including Bhoop Singh (father-in-law) and Smt. Lajja (mother-in-law,). This appears to be a classic case of over-implication intended to exert undue pressure on the husband by roping in his entire family.

10. Upon careful examination of the record, this Court finds substance in the submissions made on behalf of the applicants, who are family members of the husband of the victim (sister of opposite party no.2). The allegations made against them are vague and lacking in specific details. Even the statements recorded during investigation do not attribute any specific role or overt act to the applicants.

11. In the matter of **Geeta Mehrotra (supra)**, 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."

12. The Hon'ble Supreme Court has further held that if the contents of the FIR do not disclose specific allegations against the relatives of the husband, except for a casual reference to their names, it would not be just to direct them to suffer the ordeal of a criminal trial, especially when the FIR does not disclose the essential ingredients of offences under Sections 498-A, 323, 504 IPC, read with Section 3/4 of the Dowry Prohibition Act.

13. Furthermore, the Hon'ble Supreme Court, in a catena of decisions, has reiterated the importance of preventing abuse of the legal and judicial process in matrimonial disputes. The Court has emphasized that if the FIR fails to disclose specific allegations against the family members of the husband, it would be an abuse of process to subject them to a trial based on vague and unsubstantiated accusations. In the present case, the allegations against the applicants are clearly general and lacking in specific acts of cruelty or unlawful demand.

14. 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.** The relevant paragraph of the aforesaid judgment is extracted hereunder:-

"19. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 01.04.19, it is revealed that general allegations are levelled against the Appellants. The complainant alleged that 'all accused harassed her mentally and threatened her of terminating her pregnancy'. Furthermore, no specific and distinct allegations have been made against either of the Appellants herein, i.e., none of the Appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are therefore general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High court, we have not examined the veracity of allegations made against him. However, as far as the Appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

21. Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate transactions, the present complaint fails to establish specific allegations against the in-laws of the Respondent wife. Allowing prosecution in the absence of clear allegations against the in-laws Appellants would simply result in an abuse of the process of law."

15. 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.

16.The Hon'ble Supreme Court in ***Abhishek v. State of Madhya Pradesh, 2023 LiveLaw (SC) 731*** has quashed the criminal proceedings against in-laws under Section 498-A IPC, noting that the allegations were mostly general and omnibus in nature. In another matter, the Hon'ble Supreme Court in the case of ***Mahalakshmi vs. The State of Karnataka, 2023 LiveLaw (SC)*** has quashed criminal proceedings under Section 498A IPC observing that one vague occurrence without clear evidence of involvement is not sufficient to implicate a person.

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 family members of the husband. The ratio laid down by the Hon'ble Supreme Court in a catena of judgments, as mentioned hereinabove, highlights the common tendency to implicate not only the husband but also his immediate relatives in such complaints. However, it is essential for the courts to exercise careful scrutiny and take into account the pragmatic realities while dealing with these complaints, especially with regard to allegations against distant relatives who may have had minimal or no involvement in the events alleged.

19.Since, in the instant matter, there are no specific averments against the applicants, who are family members of the husband of the victim, and in view of the ratio laid down by the Hon’ble Supreme Court as well as the facts and circumstances of the case, the present application is **allowed**.

Accordingly, the entire proceedings of Case No. 423 of 2014, arising out of case crime no. 86 of 2013, under Sections 498A, 323, 504, 506 IPC and Section ¾ D.P. Act, pending in the court of learned Judicial Magistrate, Gautam Budh Nagar along with all consequential proceedings, are hereby **quashed.**

Order date:-24.07.2025
pks

Digitally signed by :-
PANKAJ KUMAR SRIVASTAVA
High Court of Judicature at Allahabad