



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No.02 of 2024 Date of hearing : 16.02.2026
Date of Pronouncement : 21.02.2026

Service No. DCRB/NGN/2021/08/11
Mohammad Rizwan,
Aged about 30 years
Sub-Inspector, Meghalaya Police,
S/o- Mohammad Saimullah,
R/o- Happy Valley, Shillong,
Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya,
Through the Public Prosecutor,
The High Court of Meghalaya,
At Shillong.

-And-

2. Mrs. Jahanara Khatun,
D/o- Md. Sikandar Ali,
R/o- Aftabudin Lane, Ward 10,
Bidyapara Dabri, Dhubri,
Assam-783301.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Chakraborty, Sr. Adv with
Mr. E. Laloo, Adv.
For the Respondent(s) : Mr. H. Kharmih, Addl. PP, (R-1)
Ms. N.M. Kharshemlang, Adv (R-2)



Judgment and Order

1. Heard Mr. S. Chakraborty, learned Senior Counsel assisted by Mr. E. Laloo, learned counsel appearing for the petitioner, Mr. H. Kharmih, learned Addl. PP. appearing for the State-respondent No.1 and Ms. N.M. Kharshemlang, learned counsel appearing for the respondent No.2.
2. By this application under Section 482 of the Criminal Procedure Code 1973 (for short Cr.PC), the petitioner has prayed for quashing of the FIR dated 19.09.2023 filed by the respondent No.2 addressed to the Superintendent of Police, East Khasi Hills District, registered as the Madanriting Police Station Case No. 103 (10) of 2023 u/s 376/ 498A/ 506 IPC read with Section 4 of the Dowry Prohibition Act, 1961.
3. The petitioner is serving as a Sub-Inspector in Meghalaya Police. He got married to the respondent No.2 on 08.06.2023 under the Muslim Personal Law. The marriage was solemnized at their ancestral village in Bihar. After, about 10 days of the marriage, they came to Shillong along with other family members of the petitioner and started residing in the rented house of the petitioner situated at Happy Valley, Shillong. On 07.08.2023 the respondent No.2 left Shillong with her father and sister to her parental home. Thereafter, the FIR dated 19.09.2023 was lodged against the petitioner and his family members by the respondent No.2 to the Superintendent of Police, East Khasi Hills District, which was subsequently registered at the Madanriting Police Station. For the sake of facility, the FIR is extracted below: -

“With due respect and humble honor, I Jahanara Khatun, w/o- Sub-Inspector bearing Service no: DCRB/NGN/2021/08/11 Mohammad Rizwan, resident of 298 Shillong, Happy Valley, A.R. Bazar, East Khasi Hills- 793007 Shillong, Meghalaya, and permanent resident of Aftabudin Lane, Ward 10, Bidyapara Dabri, Dhubri, Assam-783301.

Sir, I want to state that we were married on 8/06/2023 at our village Hanumanganj Katalpur, P.S- Mashrak, district-Saran Bihar, were his family had lie everything about them self



*and during the marriage, their family had asked for huge dowry along with Royal Enfield bike, and had demanded gold ornaments for the guy and they give us warning that if my father wont full-fill their demand they would refused the marriage by which my father was forced to give them during marriage. But after marriage my mother in law, took all my gold ornaments that my parents and relatives give me in wedding. After 10 days of marriage I was taken by them to Shillong and were I was thinking that whatever happened in Bihar it wont happen here and my husband would be happy as his all desires was full-fill by my father, but Mohammad Rizwan was forcing me every night and was raping me brutally, even if I stop him and sought for help no one stand out for me in the house, his family use to lock me inside the house and treat me as an animal, were I was not allow to talk with anyone, or to see anybody, and if by mistake the neighbor show me or try to talk with me my in laws along with my sister in law raise their hands on me and abuse me and my family, and since marriage they started to heated me and they always abuse me and my family that what we have given them my in laws along with my husband had even demanded all the household items and furniture for the house, they had even restricted me not to talk with my own family members after marriage and whenever my husband abuse me or try to hit me I try to reach to his parents, but nothing reach to their ears instead they torture me in place of their son, He also has an affair with another women know as ***** who is an advocate practicing in Meghalaya and the whole family was aware of it. And the same was confirmed by my husband that his father and mother had spoil 3 life's, and as such that I was married to him I have to face all this.*

As I was diagnosed with stone in my gall bladder, and during checkup I was found that am pregnant, they force me to abort the child and go for operation, but I denied to do so, my in laws along with my husband had thrown me out of the house and inform my father through call to take me away from Shillong. Now he is threatens me to go for abortion, else he would give me Divorce.

He also threatens me several times that he will kill me along with the baby, and always stated that he is in police and he can do anything and no one can do anything to him or to his parents as I know how to save myself and family, all this things are known to my in-laws too but it seems all the family members are involved in this situation and they are supporting my husband.



*So, I am hereby seeking your help to get justice and to save my child from him and his family and request your good self, to take necessary actions against him and his family as he is being overconfident and show his power of being an S.I. (Sub Inspector) in Meghalaya Police.
Please help me as I am helpless.’’*

4. The FIR dated 19.09.2023 was registered by the police as the Madanriting Police Station Case No. 103(10) of 2023 initially u/s 498 A and 376 IPC, but after some progress of the investigation, Section 506 IPC and Section 4 of the Dowry Prohibition Act, 1961 was added.

5. The learned Senior Counsel for the petitioner submits that the allegations made in the FIR are too vague and general in nature. There is no mention of any specific instance of harassment of the respondent No.2 by the petitioner requiring initiation of criminal investigation in the matter by the police. He submits that the documents enclosed with the impugned FIR also do not bring out any specific offensive act of the petitioner against the respondent No.2. He submits that after the respondent No.2 deserted the petitioner, an Intimation Report was submitted by the petitioner on 19.08.2023 to the Madanriting Police Station which would undoubtedly establish that the filing of the impugned FIR was done by the respondent No.2 with an ulterior motive to seek vengeance on the petitioner as a counterblast. The learned Senior counsel submits that the oblique motive and intention of vengeance of the respondent No.2 against the petitioner is also apparent as the impugned FIR contains an allegation of extra-marital affairs by the petitioner. He further contends that marital rape is not recognized in Indian law and, as such, Section 376 of the Indian Penal Code (IPC in short) would not be attracted in the present case. By placing reliance on the decision of the Apex Court in *Achin Gupta v. State of Haryana and Another*, 2024 SCC OnLine SC 759, the learned Senior counsel submits that if the petitioner is made to face a criminal investigation on some general and sweeping allegations without bringing on record any specific instance of criminal conduct, it would amount to an abuse



of the process of law. He submits that there is not an iota of truth in the allegations levelled against the petitioner and prays that the impugned FIR dated 19.09.2023 and the related investigation of the Madanriting Police Station Case No. 103 (10) of 2023 be quashed.

6. The learned Addl. PP. appearing for the State-respondent No.1, on the other hand submits that the allegations made in the FIR involves serious offence and the bills and payment receipts accompanying the FIR shows existence of a *prima facie* case against the petitioner. He submits that the allegation of mental and physical abuse and excessive dowry demand is very serious and hence, any interference at this stage by this court would not be in the interest of justice. He submits that though no charge-sheet has been submitted in the case as yet, the investigation of the case is complete and the statements recorded u/s 161 and 164 Cr.PC. during the course of the investigation supports the allegations made in the FIR. The learned Addl. PP. further submits that out of the marriage between the petitioner and the respondent No.2, a male child was born on 07.04.2024, but despite filing of a petition under the Protection of Women from Domestic Violence Act by the respondent No.2, the petitioner is not taking any responsibility to maintain his wife and the child. He submits that there are enough disclosures made in the FIR and the allegations made therein are not general in nature. He, therefore, submits that there is no merit in the case of the petitioner and the instant petition is liable to be dismissed.

7. The learned counsel appearing for the respondent No.2 submits that the FIR dated 19.09.2023 clearly discloses commission of cognizable offences by the petitioner and the entire sequence of the events beginning from the date of marriage, i.e. 08.06.2023 has been narrated therein. She submits that there is specific mention of demand of substantial dowry items including cash in the FIR. There is a clear disclosure in the FIR that the respondent No.2 was subjected to persistent mental and physical cruelty immediately after the



marriage. She further submits that the FIR reveals that the respondent No.2 was found to be pregnant during medical check-up, but the petitioner and his family, instead of extending any support, was forcing her to undergo an abortion. There was forceful sexual intercourse by the petitioner coupled with threat of dire consequences. The learned counsel submits that all the allegations taken together clearly make out specific continuous chain of events indicating commission of cognizable offences by the petitioner commencing right from the date of marriage. She submits that the materials enclosed with the FIR support the allegations made in the FIR. She further submits that the respondent No.2 was forced to leave her matrimonial home due to intolerable, abusive and coercive behavior and threats of her husband and in-laws. She contends that the documents annexed by the petitioner in the instant criminal petition also clearly demonstrate that the respondent No.2 was compelled to initiate proceeding under the Protection of Women from Domestic Violence Act, being CR (DV) Case No. 584/2023 before the Court at Dhubri. She, thus, submits that the instant criminal petition is devoid of merits and deserves no consideration by this Court.

8. Heard the arguments advanced on behalf of the rival parties. Also perused the written notes of submissions and the materials on record.

9. A bare reading of the FIR dated 19.09.2023 indicates that on the date of marriage, the petitioner and his family members had asked for huge dowry and warned that non-fulfillment of their demand would result in refusal of performance of marriage which forced the father of the respondent No.2 to satisfy the demand. There is also an allegation that the gold ornaments given to the respondent No.2 by her parents and relatives were taken away from her after the marriage. Even after about 10 days of the marriage, when the respondent No.2 was taken to her matrimonial house at Shillong, she was subjected to continuous mental and physical cruelty, assault and was locked inside the house. She was not allowed to talk to anyone, or to see anybody,



and was also prevented from talking to her own family members. There was also further demand for household items and furniture from the family of the respondent No.2. The FIR further contains allegation of brutal sexual intercourse by the petitioner and forcing the respondent No.2 to undergo abortion when she was diagnosed as pregnant. The FIR states that because of the respondent No.2's refusal to undergo abortion, she was thrown out of her husband's house.

10. The decision of *Achin Gupta (supra)* cited by the learned Senior counsel for the petitioner was rendered in a totally different situation than that of the present case in hand. In the said case, the marriage was solemnized on 09.10.2008 and the FIR was lodged on 09.04.2021. That apart, it was also brought to the notice of the Apex Court that the FIR dated 09.04.2021 came to be lodged after a period of more than 11 months of filing of a divorce petition and also a domestic violence case against the informant in the year 2019 and 2020 respectively. In the above circumstances, it was held that when the jurisdiction of the High Court is invoked 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, a duty is cast on the High Court to look into many other attending circumstances emerging from the record of the case over and above the averments made in the FIR/Complaint.

11. Read in the above light, what requires to be taken notice in the present case is that the marriage between the petitioner and the respondent No.2 was solemnized on 08.06.2023. They moved to Shillong after about 10 days of their marriage and started residing in the rented house of the petitioner along with the other family members of the petitioner. The respondent No.2 left the house of the petitioner on 07.08.2023 and the FIR came to be lodged on 19.09.2023. The entire chain of events took place within a span of only around 3 months 10 days. Thus, in the backdrop of the above facts, it cannot be said



that the allegations made in the FIR are totally non-specific or too general in nature and that it does not refer to any particular incident. Moreover, there is nothing on record to show that the respondent No.2 has filed the FIR dated 19.09.2023 after institution of any legal proceeding against her by the petitioner or his family members. Hence, it cannot be held that the lodging of the FIR by the respondent No.2 came as a counterblast.

12. Insofar as the Intimation Report dated 19.08.2023 is concerned, the petitioner in his written argument has asserted that the said Intimation Report was registered as the Madanriting Police Station Case No. 108(11) of 2023 u/s 380/506 IPC and as such, the filing of the impugned FIR by the respondent No.2 is nothing but a counterblast to the said Intimation Report. However, a perusal of the statement made by the petitioner in paragraph 9 of the instant criminal petition reveals that the Intimation Report was not registered as a case. The stand taken, as such, appears to be totally contradictory and therefore, deserves no consideration by this Court. In addition, from the registration numbers assigned to the FIR of the respondent No.2 and the Intimation Report of the petitioner, it is clear that the FIR of the respondent No.2 was registered before the Intimation Report of the petitioner came to be registered. The case number assigned to the FIR of the respondent No.2 is 103 (10) of 2023 whereas, the case number assigned to the Intimation Report of the petitioner is 108(11) of 2023. As a common practice, the numbers indicated in the brackets refer to the month of registration of the case by the police. It means that the FIR filed by the respondent No.2 was registered in the month of October (10th month of the year) whereas, the Intimation Report of the petitioner was registered in the month of November (11th month of the year). Hence, by no stretch of imagination it can be held that the FIR of the respondent No.2 came to be registered after the Intimation Report of the petitioner.

13. The contention of the petitioner that Section 376 IPC would not have



any application in the present case appears to have some force. Under Exception 2 to Section 375 IPC, sexual intercourse or sexual acts by a man with his own wife, the wife not being a minor, is not considered rape. In the present case, it is an admitted position that the respondent No.2 is not a minor. However, the same cannot be a ground for quashing the entire FIR dated 19.09.2023 as it contains allegations of commission of other offences also. It is expected that the investigating authority would consider the above aspect of law at the time of preparation of the final report of investigation in the present matter.

14. For what has been discussed above, the petitioner has failed to make out a case for quashing of the FIR dated 19.09.2023 and the related Madanriting P.S Case No. 103 (10) of 2023.

15. Resultantly, the criminal petition stands dismissed.

Judge

Meghalaya
21.02.2026
"Shrity,PS"