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2026:CGHC:35539-DB
NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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CRMP No. 3161 of 2025

1 - A. Santosh S/o Lt. A.C.S. Rao Aged About 37 Years R/o Vr- 58, Ganpati Vihar, Borsi, District Durg (C.G.)

2 - Mrs. B. Ratnam W/o Late A.C.S. Rao Aged About 69 Years R/o Vr- 58, Ganpati Vihar, Borsi, District Durg (C.G.)

3 - Mrs. Kalpna Acharya W/o K. Satish Kumar Aged About 47 Years R/o Vr- 58, Ganpati Vihar, Borsi, District Durg (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Sho Ps Mahila Thana, Durg, District Durg (C.G.)

2 - Smt. A. Rajni W/o A. Santosh Aged About 33 Years R/o Vr- 58, Ganpati Vihar, Borsi, District Durg (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	:	Mr. Aman Saxena, Advocate.
For State	:	Mr. Anusha Naik, Dy. Govt. Advocate.
For Respondent No. 2	:	Mr. Vedant Bhelonde, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****12/08/2026**

1. Heard Mr. Aman Saxena, learned counsel for the petitioners as well as Ms. Anusha Naik, learned Govt. Advocate, for the State, Mr. Vedant Bhelonde, learned counsel for respondent No. 2.

2. The present petition under Section 528 of B.N.S.S. has been filed by the petitioners with the following prayer :-

“It is, therefore, prayed that this Hon'ble Court may kindly be pleased to allow the present petition by setting aside the order framing charge and order on charge dated 14.06.2023 (Annexure P/1 Colly.), chargesheet 15/19 dated 03.04.2019 (Annexure P/2), revision order dated 05.03.2024 passed by learned Sessions Judge, Durg (Annexure P/5) along with consequent criminal proceedings including trial court case no. RCC/2743/2019 ongoing before JMFC 1st class, Durg (C.G.).”

3. The brief facts of the case are that the marriage between petitioner No.1/A. Santosh and respondent No.2/complainant A. Rajni was solemnized on 05.05.2011 at Durg, Chhattisgarh, and the matrimonial relationship continued for about seven years before the parties separated on 14.12.2018. Petitioner No.2 is the mother of petitioner No.1 and petitioner No.3 is his sister, who, according to the petitioners, has been residing separately with her husband since her marriage in 2006, while petitioner No.2 is a senior citizen aged about 69 years. Respondent No.2 lodged an FIR on 14.01.2019 alleging cruelty and harassment against the petitioners, pursuant to which charge-sheet No.15/19 dated 03.04.2019 was filed by Police Station Mahila Thana, Durg for offences punishable under Sections 498-A and 34 of the IPC. The learned Trial Court, vide order dated 14.06.2023, framed charges against the petitioners, against which the revision preferred by them was dismissed by the learned Sessions Judge, Durg vide order dated 05.03.2024. The petitioners have, therefore, preferred the present

petition under Section 528 of the BNSS seeking quashing of the aforesaid orders, charge-sheet and consequential criminal proceedings pending before the learned JMFC, Durg, mainly contending that the allegations against petitioner Nos.2 and 3 are vague, general and omnibus in nature and that no specific overt act constituting cruelty or harassment has been attributed to them.

4. Learned counsel for the petitioners submits that the entire prosecution against the petitioners is an abuse of the process of law, as the allegations contained in the FIR and charge-sheet are vague, general and omnibus in nature and no specific overt act, date, time or incident has been attributed to petitioner Nos.2 and 3 so as to constitute the offence punishable under Section 498-A of the IPC. It is submitted that petitioner No.2 is the aged mother-in-law of respondent No.2, aged about 69 years, whereas petitioner No.3 is the sister-in-law who had been married in the year 2006 and has been residing separately with her husband and had no occasion to interfere in the matrimonial life of petitioner No.1 and respondent No.2. Learned counsel further submits that the allegations are primarily directed against petitioner No.1 and the other family members have been implicated merely because of their relationship with the husband. It is contended that mere casual reference or omnibus allegations against the relatives of the husband, in the absence of any specific allegation of active involvement, cannot constitute the offence under Section 498-A IPC. Learned counsel further submits that the matrimonial dispute between petitioner No.1 and respondent No.2 has been given a criminal colour by implicating the entire family, despite there being no material demonstrating any specific act of cruelty or harassment on the part of petitioner Nos.2 and

3. It is, therefore, submitted that continuation of the criminal proceedings against the petitioners would amount to abuse of the process of law and would serve no useful purpose. Learned counsel accordingly prays that the order dated 14.06.2023 framing charges, the charge-sheet dated 03.04.2019, the revisional order dated 05.03.2024 and all consequential criminal proceedings pending against the petitioners be quashed.
5. He further submitted that, in compliance with the order dated 31.10.2025 passed by this Court, the matter was referred to the Mediation Centre for exploring the possibility of an amicable settlement between the parties, however, despite their participation in the mediation proceedings, no settlement could be arrived at between them and the mediation proceedings ultimately failed on 04.11.2025.
6. He would rely upon the judgments of the Supreme Court in the matters of **Geeta Mehrotra and another v. State of Uttar Pradesh and another¹, Preeti Gupta and another v. State of Jharkhand and another², Swapnil v. State of Madhya Pradesh³, Rashmi Chopra v. State of Uttar Pradesh and Another⁴ (Para-24), Rajesh Sharma and others v. State of Uttar Pradesh and Another⁵, Kahkashan Kausar alias Sonam and others v. State of Bihar and others⁶ and Abhishek v. State of Madhya Pradesh⁷.**
7. Learned counsel appearing for respondent No.2/complainant submits that the present petition is devoid of merit and has been filed with the

1 (2012) 10 SCC 741

2 (2010) 7 SCC 667

3 (2014) 13 SCC 567

4 2019 SCC OnLine SC 620

5 (2018) 10 SCC 472

6 (2022) 6 SCC 599

7 2023 SCC OnLine SC 1083

sole intention of delaying the criminal proceedings pending against the petitioners. It is submitted that the allegations made by respondent No.2 in the FIR and the statements recorded during investigation disclose the commission of an offence punishable under Sections 498-A and 34 of the IPC and prima facie material is available against all the petitioners. Learned counsel further submits that the allegations cannot be examined or appreciated in detail at the stage of consideration of a petition under Section 528 of the BNSS, particularly when the learned Trial Court, after considering the material collected during investigation, has already framed charges and the revisional Court has also declined to interfere with the said order. It is contended that the defence of the petitioners, including their alleged separate residence, limited interaction with respondent No.2 and the allegations being false or motivated, are matters of evidence which cannot be adjudicated in the present proceedings. Learned counsel submits that the petitioners cannot seek a mini-trial by inviting this Court to appreciate the factual allegations and disputed material at this stage. It is, therefore, prayed that the present petition, being devoid of substance, be dismissed and the criminal proceedings pending before the learned Trial Court be permitted to proceed in accordance with law.

8. We have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. At the outset, it would be appropriate to consider the scope of interference in charge-sheet filed by the police against accused in extraordinary jurisdiction under Section 528 of BNSS.

10. In the matter of **Pepsi Foods Ltd. and another v. Special Judicial Magistrate and others**⁸, the Hon'ble Supreme Court has held that the accused can approach the High Court either under Section 528 of BNSS or under Article 227 of the Constitution of India to have the proceeding quashed against him when the complaint does not make out any case against him.
11. The Hon'ble Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others**⁹ laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC/ 528 of B.N.S.S should be exercised, which are as under: -

"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 give 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.

8 (1998) 5 SCC 749

9 1992 Supp (1) SCC 335

(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 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.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not

be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

12. The principle of law laid down in **Bhajan Lal's** case (supra) has been followed recently by the Supreme Court in the matters of **Google India Private Limited v. Visaka Industries**¹⁰, **Ahmad Ali Quraishi and another v. State of Uttar Pradesh and another**¹¹ and **Dr Dhruvaram Murlidhar Sonar. v. State of Maharashtra and others**¹²". The Supreme Court in **Google India Private Limited** (supra), explained the scope of dictum of **Bhajan Lal's** case (supra) that the power of quashing a criminal proceeding be exercised very sparingly and with circumspection and "that too in the rarest of rare cases" as indicated in paragraph 103 therein of the report.

13. Having noticed the scope of interference by this Court in the petition relating to quashment of FIR/charge-sheet, reverting to the facts of the present case, it is quite vivid that in the impugned charge-sheet, four petitioners have been charged for offences under Sections 498-A/34 of the IPC.

14. Chapter XXA of the IPC deals with offence of cruelty by husband or relatives of husband. Section 498A of the IPC defines the offence of cruelty as under:-

"498A. Husband or relative of husband of a woman subjecting her to cruelty - Whoever, being the husband or

10 (2020) 4 SCC 162

11 (2020) 13 SCC 435

12 (2019) 18 SCC 191

the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.- For the purpose of this section, "cruelty" means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

15. A careful perusal of the aforesaid provision would show that in order to establish offence under Section 498A of the IPC, the prosecution must establish,

(i) That, woman must be married:

(ii) She has been subjected to cruelty or harassment and

(iii) Such cruelty or harassment must have been shown either by husband of the woman or by relative of her husband.

16. The word 'cruelty' within the meaning of Section 498A of the IPC has been explained in Explanation appended to Section 498A of the IPC. It consists of two clauses namely clause (a) and clause (b). To attract Section 498A of the IPC, it must be established that cruelty or harassment to the wife to coerce her or cause bodily injury to herself or to commit suicide or the harassment was to compel her to fulfill illegal demand for dowry. It is not every type of harassment or cruelty that would attract Section 498A of the IPC. Explanation (b) to Section 498A of the IPC contemplates harassment of woman to coerce or any

relation of her to meet any unlawful demand for any property or valuable security. The complainant if wants to come within the ambit of Explanation (b) to Section 498A of the IPC, she can succeed if it is proved that there was an unlawful demand by the husband or any of his relatives with respect to money or of some valuable security.

17. The Hon'ble Supreme Court in the matter of **Priya Vrat Singh and others v. Shyam Ji Sahai**¹³ considered the issue of delay in lodging the complaint as well as role that has been ascribed to the accused therein and quashed the complaint holding the delay of two years in lodging FIR to be fatal and further held that no role has been ascribed to the petitioner/accused therein. It was observed as under:-

"8. Further it is pointed out that the allegation of alleged demand for dowry was made for the first time in December, 1994. In the complaint filed, the allegation is that the dowry torture was made some times in 1992. It has not been explained as to why for more than two years no action was taken.

9. Further, it appears that in the complaint petition. apart from the husband, the mother of the husband, the subsequently married wife, husband's mother's sister, husband's brother in law and Sunita's father were impleaded as party. No role has been specifically ascribed to anybody except the husband and that too of a dowry demand in February 1993 when the complaint was filed on 6.12.1994 i.e. nearly after 22 months. It is to be noted that in spite of service of notice, none has appeared on behalf of Respondent No.1."

18. Similarly, in the matter of **Sunder Babu and others v. State of Tamil Nadu**¹⁴ delay in filing complaint against accused therein was taken note of by their Lordships of the Supreme Court holding the case to be covered by Category Seven of para-102 highlighted in **Bhajan Lal's**

¹³ (2008) 8 SCC 232

¹⁴ (2009) 14 SCC 244

case (supra), the prosecution for offence under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act was quashed.

19. Similarly, in the matter of **Geeta Mehrotra** (supra), the Hon'ble Supreme Court held that casual reference to the family member of the husband in FIR as co-accused particularly when there is no specific allegation and complaint did not disclose their active involvement. It was held that cognizance of matter against them for offence under Sections 498-A, 323, 504, 506 and 304- B of the IPC would not be justified as cognizance would result in abuse of judicial process.

20. In the matter of **K. Subba Rao and others v. State of Telangana represented by its Secretary, Department of Home and others**¹⁵ their Lordships of the Supreme Court delineated the duty of the criminal Courts while proceeding against relatives of victim's husband and held that the Court should be careful in proceeding against distant relatives in crime pertaining to matrimonial disputes and dowry deaths and further held that relatives of husband should not be roped in on the basis of omnibus allegations, unless specific instances of their involvement in offences are made out.

21. Recently, in the matter of **Rashmi Chopra** (supra) it has been held by their Lordships of the Hon'ble Supreme Court relying upon the principle of law laid down in **Bhajan Lal's** case (supra) that criminal proceedings can be allowed to proceed only when a prima facie offence is disclosed and further held that judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of oppression or harassment and the High Court should not hesitate in exercising the

15 (2018) 14 SCC 452

jurisdiction to quash the proceedings if the proceedings deserve to be quashed in line of parameters laid down by the Hon'ble Supreme Court in **Bhajan Lal's** case (supra) and further held that in absence of specific allegation regarding anyone of the accused except common and general allegations against everyone, no offence under Section 498A IPC is made out and quashed the charges for offence under Section 498A of the IPC being covered by category seven as enumerated in **Bhajan Lal's** case (supra) by holding as under:-

"24. Coming back to the allegations in the complaint pertaining to Section 498A and Section 3/4 of D.P. Act. A perusal of the complaint indicates that the allegations against the appellants for offence under Section 498A and Section 3/4 of D.P. Act are general and sweeping. No specific incident dates or details of any incident has been mentioned in the complaint. The complaint having been filed after proceeding for divorce was initiated by Nayan Chopra in State of Michigan, where Vanshika participated and divorce was ultimately granted. A few months after filing of the divorce petition, the complaint has been filed in the Court of C.J.M., Gautam Budh Nagar with the allegations as noticed above. The sequence of the events and facts and circumstances of the case leads us to conclude that the complaint under Section 498A and Section 3/4 of D.P. Act have been filed as counter blast to divorce petition proceeding in State of Michigan by Nayan Chopra.

25. There being no specific allegation regarding any one of the applicants except common general allegation against everyone i.e. "they started harassing the daughter of the applicant demanding additional dowry of one crore" and the fact that all relatives of the husband, namely, father, mother, brother, mother's sister and husband of mother's sister have been roped in clearly indicate that application under Section 156(3) Cr.P.C. was filed with a view to harass the applicants....."

22. Having noticed the legal position qua quashing the FIR and charge-sheet, the question would be whether taking the contents of the FIR

and charge-sheet as it is, offence under Section 498-A/34 of the IPC is made out against the petitioners?

23. In the matter of **Kahkashan Kausar alias Sonam and Others Vs. State of Bihar and Others, 2022(6) SCC 599**, the Hon'ble Supreme Court has stated as under:-

"10. Having perused the relevant facts and contentions made by the appellants and respondents, in our considered opinion, the foremost issue which requires determination in the instant case is whether allegations made against the appellants in-laws are in the nature of general omnibus allegations and therefore liable to be quashed.?"

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of section 498-A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498-A IPC as instruments to settle personal scores against the husband and his relatives.

12. This Court in its judgment in **Rajesh Sharma Vs. State of U.P.** , has observed:-

"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 the Act 46 of 1983. The expression 'cruelty' in Section 498-A covers conduct which may drive the woman

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 visualized. 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."

13. Previously, in the landmark judgment of this court in *Arnesh Kumar Vs. State of Bihar*, it was also observed;

"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, bed-ridden grand- fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in *Preeti Gupta & Anr. Vs. State of Jharkhand*, it has also been observed:-

"32. It is a matter of common experience that most of these complaints under section 498A

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 are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber 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 fiber, peace and tranquility 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 visualized 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 husband and all his immediate relations is also not uncommon. At times, even after the conclusion of 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 complaint are required to be scrutinized 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 amicable settlement altogether. The process of suffering is extremely long and painful.”

15. In *Geeta Mehrotra & Anr. Vs. State of UP*, it was observed:-

“21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of *G.V. Rao vs. L.H.V. Prasad* wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that:

"12..... “there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, 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 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 reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the 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.”

The view taken by the judges in this matter was that the courts would not encourage such disputes.”

16. Recently, in K. Subba Rao v. The State of Telangana, it was also observed that:-

"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.”

17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498-A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments 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.

18. 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."

24. Recently, the Hon'ble Supreme Court has held in the case of "**Charul Shukla V. State of UP and others**" reported in 2026 SCC OnLine SC 476" that:-

22. Furthermore, with respect to the allegations against the sister-in-law regarding the incitement of the complainant's husband in relation to the alleged extra-marital affair, the prosecution has failed to provide any specific detail and has not been able to elaborate upon the nature of the relationship or how those accusations purportedly affected complainant's relationship with her husband. It is apposite to note that upon the perusal of the records of the case, nothing material has been put forth to advance or substantiate the said allegations.

Time and again, this Court has observed that merely stating certain vague and omnibus allegations without any cogent material evidence to support the same should not become a fillip to jump-start the criminal machinery of the State. At this juncture, we find it appropriate to quote the observations of this Court in *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 which is extracted as under:

"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations 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.....

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30. The inclusion of Section 498A of the IPC 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 Page 22 of 26 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 498A of the IPC 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 scrutinized, 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 498A of the IPC 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. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

25. Reverting to the facts of the present case, it transpires from a perusal of the FIR, statements of the complainant and the material collected during investigation that the allegations levelled against the petitioners are general, vague and omnibus in nature. Though allegations of cruelty and harassment have been made against the petitioners, no specific date, time, place or particular overt act has been attributed to any of the petitioners so as to disclose the ingredients of the offence punishable under Section 498-A of the IPC. The allegations primarily

arise out of the matrimonial discord between petitioner No.1 and respondent No.2 and the other petitioners have been implicated along with him without any specific and distinct allegation demonstrating their individual involvement. Even the allegation regarding the alleged extra-marital relationship of petitioner No.1 has not been supported by any specific material so as to constitute an offence under Section 498-A of the IPC. Petitioner No.2 is an aged mother-in-law of respondent No.2, whereas petitioner No.3 is the sister-in-law who had been residing separately after her marriage. There is no material in the charge-sheet showing any specific act of cruelty or harassment attributable to any of the petitioners. Mere matrimonial discord or general allegations of harassment, in the absence of particulars indicating conduct falling within either of the clauses of Explanation to Section 498-A of the IPC, cannot by itself constitute the offence under the said provision. The allegations, even if taken at their face value, do not disclose the commission of the offence under Sections 498-A/34 of the IPC against the petitioners. In the facts of the present case, continuation of the criminal proceedings would amount to abuse of the process of law and the case is squarely covered by Categories 1, 3 and 7 of paragraph 102 of the judgment rendered by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal** (supra).

26. It is also pertinent to note that this Court had referred the matter to the Mediation Centre vide order dated 31.10.2025 with a view to explore the possibility of an amicable settlement between the parties, however, despite their participation in the mediation proceedings, no settlement could be arrived at and the mediation proceedings failed on 04.11.2025. Nevertheless, the failure of mediation does not affect the

power of this Court to examine whether the allegations contained in the FIR and the material collected during investigation disclose the commission of any offence. On such examination, this Court finds that the prosecution has failed to place on record sufficient material constituting a prima facie case against the petitioners for the offence under Sections 498-A/34 of the IPC. Therefore, permitting the criminal prosecution to continue would serve no useful purpose and would amount to an abuse of the process of law.

27. As a fallout and consequence of the aforesaid legal analysis and having regard to the facts and circumstances of the case, the charge-sheet No.15/19 dated 03.04.2019 filed by Police Station Mahila Thana, Durg for the offences punishable under Sections 498-A and 34 of the IPC, the order dated 14.06.2023 framing charge and order on charge, the revisional order dated 05.03.2024 passed by the learned Sessions Judge, Durg, and the consequential criminal proceedings in Criminal Case No. RCC/2743/2019 pending before the learned Judicial Magistrate First Class, Durg, against all the petitioners, are hereby quashed.

28. Accordingly, the petition under Section 528 of the B.N.S.S. is **allowed**. The entire criminal proceedings arising out of the aforesaid charge-sheet and pending before the learned Trial Court against the petitioners stand quashed. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice