



2026:UHC:4773

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Criminal Miscellaneous Application No. 512 of 2025

Rekha Singhal and Others. Applicants.

Versus

State of Uttarakhand and Another. Respondents.

Present:

Mr. Sagar Kothari, learned counsel for the applicants.

Mr. Tumul Nainwal, learned A.G.A. for the State.

Mr. Rajat Mittal, learned counsel for the complainant.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. The instant application has been preferred by the applicants Smt. Rekha Singhal, Pawan Kumar Singhal, Ashish Singhal, Vibhor Singhal under section 528 of BNSS, 2023 challenging the entire proceeding of Criminal Case No. 9213 of 2024 'State vs. Ashish Singhal and Others' arising out of First Information Report dated 04.04.2023, wherein, all these applicants have been summoned to face the trial for the offences punishable under sections 323, 504, 506 r/w section 498-A of IPC r/w section 3/4 of Dowry Prohibition Act, 1961.

2. The brief facts of the case are that on 30.04.2021 the applicant no. 3 Ashish Singhal married with the respondent/ complainant but soon thereafter there was some matrimonial discord in between both of them and on 03.01.2023 the respondent/complainant left her in-law's house and thereafter she filed a complaint under the provisions of Protection of Women from Domestic Violence Act, 2005, which was registered as Miscellaneous Case No. 709 of 2023 in the court of 1st Judicial Magistrate, Dehradun. Simultaneously, the respondent/wife also filed an application under section 125 of Cr.P.C. for the



maintenance on 16.03.2023, which was registered as Complaint Case No. 91 of 2023 in the Court of Principal Judge, Family Court, Dehradun. Both these two proceedings under the D.V. Act as well as under section 125 of Cr.P.C. is pending for consideration.

3. Thereafter, the respondent/wife lodged an FIR on 04.04.2023 bearing FIR No. 0131 of 2023 implicating all the applicants for the offences punishable under sections 323, 377, 498A IPC r/w $\frac{3}{4}$ of D.P. Act. Thereafter, the applicant no. 3 moved an anticipatory bail application and the learned Session Judge by order dated 07.06.2023 granted anticipatory bail. Subsequently, thereafter on completion of investigation the charge-sheet was filed for the offences punishable under sections 323, 498A, 504, 506 of IPC r/w $\frac{3}{4}$ of D.P. Act, in which learned Chief Judicial Magistrate, Dehradun, took cognizance on 07.12.2024 and case was registered as Criminal Case No. 923 of 2024 and the applicants have been summoned to face the trial.

4. It is stated in the petition that copy of charge-sheet was placed before this court in a petition i.e. C407 No. 3 of 2024 on 07.07.2024, which itself shows that the complainant was hand in glove with the Investigating Officer since the Trial Court took cognizance on the said charge-sheet on 07.12.2024.

5. In paragraph 15 it is stated that the respondent/complainant is making false statement and she has also suppressed about her income in a proceeding under section 125 Cr.P.C. in which an application was moved by her husband under section 340 Cr.P.C. with regard to giving false statement on an affidavit. It is further stated that all the allegations as alleged are frivolous and the charge-sheet has been filed in a very mechanical manner and all the proceedings have been initiated by the respondent/wife in order to harass the entire family and with regard to the charges of



unnatural sex there is no medical report, which nullified the said allegations and also an affidavit from the fact that there is no charge-sheet for the offence punishable under section 377 IPC, which itself reveals that the entire allegations are false. It is further stated that there is no independent witness to support the case of the prosecution and the instant proceeding as initiated pursuant to the FIR lodged by the respondent/wife is an abuse of process of law and, hence, the same is liable to be quashed.

6. The statement of prosecutrix was recorded under section 164 of Cr.P.C. and she supports the allegations as alleged in the FIR and she also stated about a device, which was installed in her room, the reference of which has been given in the FIR.

7. The Investigating officer filed the counter affidavit by annexing the statement of doctors and other witnesses and during investigation all the credible evidence has been collected. The respondent/complainant also filed the counter affidavit, wherein, she denied all the averments as made in the petition and in paragraph 11 it is stated that she found an electronic device for recording, which contains a SIM Card having Mobile Number 9997615747, which was issued in the name of Pawan Kumar Singhal, one of the applicant who is the father-in-law of the respondent/complainant and when she enquired from her husband then she was physically abused and all these applicants conspired to invade the privacy of the respondent/complainant.

8. On the previous date taking into consideration that the dispute is matrimonial one, therefore, the efforts may be made for their amicable settlement and despite court's order the husband is not present though his father, one of the applicant, is present. The respondent/complainant is also present. This court interact with each of them and the respondent/complainant submits that she is



not in a position to live with her husband and want divorce and she is ready to close this proceeding.

9. On this, applicant no. 2, the father-in-law of the respondent/complainant strictly refused to give the divorce including the amount towards permanent alimony.

10. In such an eventuality, when the applicants are not even ready to give divorce to the respondent/wife, such an attitude appears to be an undue harassment of the respondent/complainant. So far as the present case is concerned, since the I.O. collected all credible evidences and filed the charge-sheet including electronic evidences, therefore, all these aspects are the subject matter of trial, which cannot be looked into in a petition filed under section 528 of BNSS, 2023.

11. It is argued by the learned counsel for the applicants that the I.O. filed the charge-sheet in a very mechanical manner, which is evident from the fact that there is no charge-sheet for the offence punishable under section 377 of IPC which falsify the entire prosecution story and, therefore, initiation of the proceeding pursuant to the FIR lodged by the respondent/complainant appears to be an abuse of process of law.

12. He further argued that the applicant no. 3, the husband of respondent/complainant, still want to restore his matrimonial life and, therefore, he cannot be compelled to give divorce.

13. The argument to this extent is acceptable since nobody can compel to give divorce to the other side. Since, the court was intended to settle their dispute amicably and that was the reason the husband was also called but deliberately he has avoided to appear before this court, therefore, at this stage the attempt with regard to their amicable settlement appears to be a futile exercise



and this court does not want to waste time for their amicable settlement.

14. I have gone through with the allegations as alleged in the FIR and the charge-sheet and the statement of the witnesses and since now after collecting all credible evidences the charge-sheet has been filed, therefore, this court is not inclined to quash the proceeding by invoking section 528 of BNSS,2023.

15. Accordingly, instant petition is dismissed being devoid of merit.

16. Mr. Rajat Mittal, learned counsel for the respondent/complainant also apprise that the proceeding under section 125 of Cr.P.C. is pending since 2023 and the husband is always adopting a delaying tactics, therefore, atleast this much liberty be given to the respondent/complainant to move an application for expediting the proceeding under section 125 of Cr.P.C.

17. In such view of the matter, the respondent/complainant is given liberty to move an appropriate application before the concerned court to expedite the proceeding and if such an application is moved the concerned court shall make all possible efforts to expedite the proceedings.

18. No order as to costs.

(Rakesh Thapliyal, J.)

15.06.2026

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