

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010160332018</u> <u>C482/1594/2018</u> Chandra Prakash Sharma and Others --Applicants Versus State of Uttarakhand and Others --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Narendra Bali, learned counsel for the applicants. Mr. S.S. Chauhan, learned DAG with Mr. Vikas Uniyal, learned Brief Holder for the State. 2. Before proceeding further, it needs to be stated that it is reported that the respondent no. 2 has died on 28.12.2025. 3. By means of the present application under Section 482 of Cr.P.C., the applicants have sought quashing of the charge sheet dated 18.08.2017, the cognizance and summoning order dated nil and entire proceedings of the Criminal Case No.144 of the 2018, "State vs. Sharad Sharma and Others" for the offence punishable under Sections 323, 438A of IPC and Section 3/4 of the Dowry Prohibition Act, pending in the court of learned Ist Additional Civil Judge (Senior Division)/ A.C.J.M., District Haridwar.

		4. The present application under Section 482 of Cr.P.C., emanates out of FIR, which was lodged by the respondent no.3 on 16.05.2017 against the present applicants under Sections 313, 498A of IPC and Section 3/4 of the Dowry Prohibition Act, wherein she alleged that the applicants caused her abortion and demanded dowry Rs.5.00 Lakh. 5. In pursuance to the FIR, investigation ensued and the allegation of causing abortion under Section 313 of the IPC was found to be false and the said section was not included in the impugned charge sheet and the charge sheet was filed only under Sections 323/498A of IPC and Section 3/4 of the Dowry Prohibition Act. On the basis of the charge sheet, summoning order was passed, summoning the applicants under Sections 323/498A of the IPC and Section 3/4 of the Dowry Prohibition Act. 6. Assailing the charge sheet and the summoning order along with the entire proceedings of Criminal Case No. 144 of 2018, 'State vs. Sharad Sharma and Others', the learned counsel for the applicants would submit that the FIR is replete with the allegations of causing forcible abortions of the complainant/respondent no. 2 on the pretext that the in-laws wanted a son. 7. In the FIR, as well as the statements
--	--	--

			under Section 161 of the Cr.P.C., the allegations with regard to demand of dowry of Rs.5.00 lakh are only as a passing reference without there being any particulars thereof with regard to the time and place. 8. Learned counsel for the applicants would thus submit that the allegations regarding demand of dowry is only to give colour to the case, whereas there is no such demand ever made on behalf of the applicants. He would further submit that the applicant no.1 is the father-in-law, the applicant no.2 is the mother-in-law and applicant no.3 is the sister-in-law and at no point of time, any of the applicants had made any demands for dowry. The allegations, even if they are taken at their face value, are largely alleging the forcible abortion and he would submit that in the charge sheet, it is clear that the offence under Section 313 of the IPC has not been found to have been committed by the applicants. He would further submit that since the allegations being vague regarding demand of dowry, hence the charge sheet, summoning order and the entire proceedings of the aforesaid criminal case deserve to be quashed. 9. Per contra, Mr. Shailendra Singh Chauhan, learned Deputy Advocate General
--	--	--	--

		would submit that though the allegations in the FIR and the ones in statements under Section 161 of the Cr.P.C. are replete with the allegations of causing forcible abortion of the complainant/respondent no.2, however, in the statements under Section 164 of the Cr.P.C., the applicant has categorically stated about her ousting from the matrimonial house on 14.03.2016 when demand of Rs.5.00 lakh as dowry was made. He would submit that offence under Section 498A IPC and Section 3/4 of the Dowry Prohibition Act would thus clearly be attracted. 10. Having heard the learned counsel for the parties and after going through the record, it is explicitly clear from the record that the allegations by and large in the FIR are pertaining to causing successive abortions of the complainant/respondent no.2. In the FIR also, there is only a passing reference with regard to the dowry demand as also in the statements of the complainant/ respondent no.2 recorded under Section 161 of the Cr.P.C. Though there is allegation of demand of Rs.5.00 lakh as dowry, but there are no material particulars with regard to it except mentioning a date in statements under Section 164 Cr.P.C. If the statements of the complainant/ respondent no. 2 are closely
--	--	---

		examined, then it is clear that she has specifically stated that the husband, i.e. applicant no.4 had been sent somewhere outside and since then she has not met the husband and thus the allegation is only against the in-laws of the demand of dowry. 11. Reference is to be made to the judgment of the Hon'ble Supreme Court in the case of 'Preeti Gupta and Another vs. State of Jharkhand and Another', reported in 2010 (7) SCC 667, wherein the Hon'ble Supreme Court has observed that 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. It is also observed by the Hon'ble Supreme Court in the said case that 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 complainant are required to be scrutinized with great care and circumspection. 12. In the present case, it is clear from the
--	--	---

		record that there appears to be some problem with the complainant/respondent no.2 and that there have been successive abortions which she attributed to the applicants; however, the offence under Section 313 of the IPC has not been found to be made out against the applicants. On one hand, she has alleged the harassment for dowry demand against the in-laws and has clearly stated that the husband has not been involved. It is also reported that respondent no.2 has since expired on 28.12.2025. 13. In such an eventuality, letting the matter go into trial would be an entirely futile exercise. 14. Hence, in view of the aforesaid facts and circumstances, and particularly in view of the fact that the allegations of dowry demand appear to be only an addition to the main allegations of repeated abortions caused by the applicants, which offence was not found to be true in the investigation, and Section 313 IPC was dropped during the investigation, hence the further proceedings in the aforesaid case would thus tantamount to abuse of process of law. Hence, the present Criminal Miscellaneous Application under Section 482 of the CrPC deserves to be allowed. 15. The present Criminal Miscellaneous
--	--	---

			Application is hereby allowed and the charge sheet dated 18.08.2017, the cognizance and summoning order dated nil and entire proceedings of the Criminal Case No.144 of the 2018, “State vs. Sharad Sharma and Others” for the offence punishable under Sections 323, 498A of IPC and Section 3/4 of the Dowry Prohibition Act, pending in the court of learned Ist Additional Civil Judge (Senior Division)/ A.C.J.M., District Haridwar are hereby quashed. (Siddhartha Sah, J.) 23-07-2026 JKJ/
--	--	--	---