



2026:AHC:56376

**HIGH COURT OF JUDICATURE AT
ALLAHABAD**

APPLICATION U/S 482 No. - 11273 of 2017

Kamendra Singh @ Betu And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Arun Kumar Tiwari,
Avdesh Narayan Tiwari
Counsel for Opposite Party(s) G.A., Vinod Singh

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr. P.C. has been filed with the prayer to quash the entire proceedings of Case No. 0689 of 2017 in pursuance of the Charge Sheet No. 01 of 2016 dated 08.12.2026 in Case Crime No. 019 of 2016 under Section 498A, 323 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana Orai, District Jalaun.

3. It is argued by the learned counsel for the applicants that in this case the applicant no.1-Kamendra Singh @ Betu is husband of opposite party no.2-Smt. Unnati Chauhan. The applicant nos. 2 to 6 are father-in-law, mother-in-law, grandfather, grandmother and dewar of the opposite party no.2. He further argued that marriage of the opposite party no.2 was performed with the applicant no.1 on 05.05.2015 in Orai. Thereafter, dispute arose between husband and wife and the present first information report was lodged by the opposite party no.2-wife herself making vague and general allegations against the husband and all other members of the family regarding demand of Alto Car and harassment. He also argued that father-in-law and mother-in-law were living in Orai and grandfather and grandmother were living at

Lucknow. The opposite party no. 2 was living at Lucknow with grandfather and grandmother where her husband was also living. The opposite party no.2 came to know with a message in the mobile phone of her husband that he had relationship with a girl working in Airtel Company, namely, Jyoti and she made a protest on which her husband beat her and then left her in Orai which shows that there was a dispute between the husband and wife, as a result, present first information report was lodged by the wife against all the members of the family of husband. He further submitted that father-in-law and mother-in-law were not living with them and they never subjected her to cruelty or harassment. The allegations in this regard are vague and general. No specific allegation has been made against any of the applicant. He also submitted that application on the part of applicant-1 husband was dismissed at the very outset and he is facing trial. So far as applicant nos. 2 to 6 are concerned, they being members of the family of husband and having vague and general allegations regarding demand of dowry and harassment are being subjected to torture by the opposite party no.2, due to matrimonial dispute between husband and wife. In case proceedings are allowed to go on against the applicants no. 2 to 6 those are members of the family of the husband, it will amount to abuse of the process of the Court, therefore, request to quash the entire proceedings against the applicant nos. 2 to 6. He relied his argument on the observations made in the case of ***Geeta Mehrotra and another Versus State of U.P. and another 2012 LawSuit (SC) 716*** and in the case of ***Shobhit Kumar Mittal Versus State of Uttar Pradesh and another Special Leave Petition (Criminal) No. 4069 of 2024, decided on 24.09.2025.***

4. Learned counsel for the opposite party no.2 opposed the prayer as aforesaid and contended that there are allegation regarding demand of Alto Car and harassment against all the members of the family. After marriage, the opposite party no.2 was living with the family at Orai where she was subjected to harassment by father-in-law and mother-in-law and other members of the family of the husband. When she started living at Lucknow even then grandfather and grandmother harassed her continuously in relation to demand of Alto Car then she lodged the present first information report against them. He also contended that at this stage, no mini trial can be conducted but only prima facie case against the applicants is to be seen. He relied his arguments on the observation made by the Hon'ble Apex Court in

the case of ***Muskan Versus Ishaan Khan (Sataniya) and others 2025 O Supreme (SC) 1889.***

5. There is sufficient material to establish prima facie case against the applicants on the basis of which learned court concerned took cognizance of the offence with proper application of judicial mind. There is no any infirmity of illegality in the order.

6. In the case of ***Geeta Mehrotra (supra)***, relevant para no. 17, 19 and 20 are extracted below:-

"17. Their Lordships of the Supreme Court in this matter had been pleased to hold that the bald allegations made against the sister in law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge sheet furnished the legal basis for the magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge sheet, none of the alleged offences under Section 498 A, 406 and [Section 4](#) of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister in law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed.

19. Coming to the facts of this case, when the contents of the FIR is perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names who have been included in the FIR but mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding".

20. 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 & Ors. reported in (2000) 3 SCC 693 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:

"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.

7. In the case of **Shobhit Kumar Mittal (supra)**, relevant para nos. 22 is extracted below:-

"22. Furthermore, at this juncture, we find it appropriate to quote the observations of this Court in Dara Lakshmi Narayana vs. State of Bihar, (2025) 3 SCC 735 wherein it was observed:

"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped 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. We say so for the reason that while the complainant/respondent No.2 has made vague and omnibus allegations against the accused/appellant herein, she has failed to justify the same

before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

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 generalized 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.”

8. In the case of **Muskan (supra)**, relevant para no. 22 is extracted below:-

"22. On the aspect of the powers of the Courts under [Section 482](#) of the Cr.PC, it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under [Section 482](#) of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the

power under Section 482 should not be exercised."

9. In the present case in hand, the contents of the first information report disclosed that the opposite party no.2 was married to applicant no.1 on 05.05.2015. She was subjected to cruelty in relation to demand of Alto Car and she was not being given sufficient food. When after four days of the marriage, her brother came, she was sent with him by taking of jewellery, thereafter, she went to live with her husband at Lucknow in the house of grandfather and grandmother. She saw the message in the mobile phone of her husband and came to know that he was in relationship with a girl working in Airtel company, namely, Jyoti prior to her marriage. She made protest, on which her husband beat her and left her to Orai, as a result, present first information report was lodged by her. From the contents of the first information report as aforementioned, there is general allegation against all the members of the family of the husband regarding demand of Alto Car and harassment that is within four days of the marriage and thereafter, she was living at Lucknow with her husband in the house of his grandfather and grandmother. The dispute arose between the husband and wife when message was seen in his mobile phone by the wife related to a girl working in Airtel Company, namely, Jyoti on which she made protest and husband beat her.

10. In the statement of the opposite party no.2 under Section 161 Cr. P.C. as recorded by the investigating officer, there are general allegation, but no any specific role against any of the members of the family of the husband. There is no any other material on record to show that any such demand or harassment was specifically made by the father-in-law, mother-in-law, grand father-in-law, grand mother-in-law and deवर of the wife-opposite party no.2.

11. When all these facts are taken together, it emerges that there was dispute between husband and wife when she saw the message in mobile phone related to a girl working in Airtel Company, she lodged present FIR against the husband roping all other members of the family. In considered opinion of this Court and keeping in view the observations made by Apex Court in the case of ***Geeta Mehrotra, Shobhit Kumar Mittal and Muskan***, if the proceedings in the present case are allowed to go on against all the

members of the family of the husband, it will be clear abuse of the process of the Court, therefore, the proceedings against the applicant nos. 2 to 6 are liable to be quashed.

12. Accordingly, the application is ***allowed*** and entire proceedings in Case No. 0689 of 2017 in pursuance of the Charge Sheet No. 01 of 2016 dated 08.12.2026 in Case Crime No. 019 of 2016 under Section 498A, 323 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana Orai, District Jalaun are ***quashed*** against the applicant nos. 2 to 6 only.

(Subhash Chandra Sharma,J.)

March 18, 2026
T.S.