



2026:AHC:203589

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 44452 of 2023

Rohit And 6 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vivek Kumar Singh
Counsel for Opposite Party(s)	:	Anurag Upadhyaya, G.A.

Court No. - 76

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Vivek Kumar Singh, learned counsel for the applicants, Sri V.D. Ojha, learned counsel for the State and perused the record.

3. Sri Anurag Upadhyaya, learned counsel for the opposite party no. 2 is not present even in the revised call. Despite his name being printed in the cause list, there is no vakalatnama on the record. Office to trace it out and place it on the record and make a note about it in the order sheet.

4. Counter affidavit dated 08.04.2024 of the State is on the record. Learned counsel for the applicants submits that he does not proposes to file any rejoinder affidavit to the same. He further submits that he has not received any counter affidavit on behalf of the opposite party no. 2 till date.

5. This Criminal Misc. Application U/S 482 Cr.P.C. has been filed before this Court by the applicants- Rohit (husband), Bablu (father-in-law), Smt. Geeta (mother-in-law), Manisha (Nanad), Kiran (Nanad), Golu(devar) and Monu (Devar) with the following prayers:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the instant application and to quash the impugned chargesheet dated 11.8.2023 and cognizance order dated 22.9.2023 passed by learned Chief Judicial Magistrate, Jaunpur as well as

entire proceedings of Criminal Case No. 1610 of 2023 (State Vs. Rohit and others), arising out of Case Crime No. 10 of 2023, Under Sections 498-A, 323, 504, 506, 406 I.P.C. & Section 3/4 D.P. Act, Police Station- Mahila Thana, District- Jaunpur, presently pending before the Court of learned Chief Judicial Magistrate, Jaunpur.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the further proceedings of Criminal Case No. 1610 of 2023 (State Vs. Rohit and others), arising out of Case Crime No. 10. of 2023, Under Sections 498-A, 323, 504, 506, 406 I.P.C. & Section 3/4 D.P. Act, Police Station- Mahila Thana, District- Jaunpur, presently pending before the Court of learned Chief Judicial Magistrate, Jaunpur, during the pendency of the instant application (Under section 482 Cr.P.C.) before this Hon'ble Court. So that justice be done, otherwise the applicants shall suffer irreparable loss and hard injury. And/or pass such other and further order as this Hon'ble Court may deem fit and proper in the present circumstances of the case."

6. The F.I.R. of the matter was lodged on 28.07.2023 as Case Crime No.0010 of 2023 at 15:50 hours, for the offences under Sections 498A, 323, 504, 506, 406 I.P.C. and Sections 3/4 Dowry Prohibition Act, 1961, at Police Station- Mahila Thana, District Jaunpur, by Smt. Gunja Devi, against Rohit, Bablu, Geeta, Manisha, Kiran, Golu and Monu on an application given to Superintendent of Police, Jaunpur, alleging therein that she is resident of Mauja Narhan, Police Station Kerakat, District Jaunpur. She was married on 26.06.2021 with Rohit, son of Bablu Sonkar, village Rasaina (Ranjitpur), Police Station Line Bazar, District Jaunpur as per Hindu rites and customs. In the marriage, her father had given Rs. 5 lakh in cash and Apache motorcycle and jewellery and household goods worth Rs.3 lakh. She gave birth to a child. After marriage she went to her husband's house and lived as his wife and continued to perform her obligation as wife, but in her matrimonial house, her husband Rohit, father-in-law Bablu, mother-in-law Geeta, sister-in-law Manisha and Kiran and brother-in-law Golu and Monu stated that she should give Rs. 20 lakh as dowry or else ask for a four-wheeler from her father, due to which they used to beat her often and abuse her and torture her physically and mentally and used to threaten her that if she did not ask for money

from her parents and did not bring it, then they would burn her to death in this house. She has regularly begged for mercy from the said person of her matrimonial house and stated that her parents have just spent Rs.35 thousand on medicines and treatment when she gave birth to a girl child. Incident is of 27.06.2023 at 07.00 a.m. The accused persons took her to the room and tied her to a cot and wanted to burn her by sprinkling oil on her. She shouted loudly on which the people from the neighbourhood came and saved her life. The accused snatched all her jewellery and clothes and made her sit in the car and brought her back to her parents' house. They beat her in front of her parents and relative Girja Shankar and all the villagers and pushed her out of the car. Her parents objected and stated not to do this on which the accused abused them and beat them and threatened that till demand of dowry will not fulfilled, your daughter will stay here, even if their neck are slit or hanged they will not take her back. She was going to the police station to give information and get the medical examination done, on which the accused stopped her on the way and threatened that if she gives information to the police station, they would kill her and her family. She is giving information. Therefore it is requested to kindly order the Inspector in Charge, Kerakat, to lodge a report and action be taken.

7. Investigation in the matter concluded and a charge sheet dated 11.8.2023 was submitted against the applicants under Sections 498A, 323, 504, 506, 406 I.P.C. and Sections 3/4 Dowry Prohibition Act, 1961. The court of Chief Judicial Magistrate, Jaunpur took cognizance upon the same and summoned the accused vide order dated 22.09.2023 for the offences under Sections 498A, 323, 504, 506, 406 I.P.C. and Sections 3/4 Dowry Prohibition Act. Thus the present application under Section 482 Cr.P.C. has been filed before this Court with the aforesaid prayers.

8. Learned counsel for the applicants submitted that the applicants have been falsely implicated in the present case. It is submitted the present matter is matrimonial in nature which has arisen out of matrimonial relationship between the applicant no. 1 Rohit the husband and the opposite party no. 2 Gunja Devi the wife. It is submitted that the other applicants are the family members of the husband being the applicant no.2- Bablu (father-in-law), the applicant no.3- Smt. Geeta (mother-in-

law), the applicant no. 4 Manisha (nanad) and the applicant no. 5 Kiran (nanad), the applicant no. 6 Golu (devar) and the applicant no. 7 Monu (devar) of the opposite party no. 2. They have been implicated falsely only because of the reason that they happen to be the family members of the husband of the opposite party no. 2. It is further submitted common and general role has been assigned to all the accused persons. It is further submitted that in so far as the offence under Section 406 I.P.C. is concerned, there is no allegation that any such property was entrusted to any of the accused and the allegation is that belongings of the first informant were snatched from her which cannot make out a case under Section 406 I.P.C. as the property has to be entrusted and then there has to be allegation of its misappropriation. It is submitted while placing para-10 to the affidavit that the present case is a case of no injury. Reliance has been placed by learned counsel for the applicants on the judgements of the Apex Court in the case of ***Charul Shukla vs. State of U.P. and others: 2026 SCC OnLine SC 476*** to submit that there is a tendency of exaggeration in versions in matrimonial matters and implication of family members of the husband also. It is submitted that as the proceedings against the applicants are an abuse of process of the court and deserves to be quashed and the prayer as prayed for deserves to be allowed.

9. Per contra, learned counsel the State opposed the submissions of learned counsel for the applicants and the present petition and submitted that the applicants are named in the F.I.R. and in the statements of the victim recorded during investigation and there are allegations against them.

10. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant no. 1 Rohit is the husband of the opposite party no.2 and the other applicants are father-in-law, mother-in-law, nanad and devar of the opposite party no.2. There was matrimonial discord between the couple and thus there was matrimonial disharmony between them. The allegations against the applicant no. 2, no.3 mother-in-law, no. 4 and 5 nanad and no.6 and 7 devar are general and omnibus. In so far as the offence under Section 406 I.P.C. is concerned, there is no allegation that any such property was entrusted to any of the accused and

the allegation is that belongings of the first informant were snatched from her which cannot make out a case under Section 406 I.P.C. as the property has to be entrusted and then there has to be allegation of its misappropriation. The present case is a case of no injury.

11. Time & again the Apex Court has held that proceedings in so far as the family members & relatives of husband are concerned, should be scrutinized and if the same are of general & omnibus in nature be quashed. In the case of ***Payal Sharma Vs. State of Punjab & Another: Criminal Appeal No. of 2024 (@ SLP (Crl.) No. 13579 of 2023)*** decided on 26.11.2024, the Apex Court in paragraph nos. 9, 10 & 11 has held as under:-

"9. In the decision in ***Preeti Gupta & Anr. v. State of Jharkhand & Anr.***, this Court observed that it is a matter of common knowledge that in matrimonial disputes exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of sufferings of ignominy, it was further held therein. We have no hesitation to hold that the said observation of this Court is in fact, sounding of a caution, against non-discharge of the duty to see whether implication of a person who is not a close relative of the family of the husband is over implication or whether allegation against any such person is an exaggerated version, in matrimonial disputes of this nature. In this context, it is to be noted that the term 'relative' has not been defined in the statute and, therefore, it must be assigned a meaning as is commonly understood. Hence, normally, it can be taken to include, father, mother, husband or wife, son, daughter, brother, sister, nephew, niece, grandson or granddaughter of any individual or the spouse of any person. To put it shortly, it includes a person related by blood, marriage or adoption. In paragraph 35 of ***Preeti Gupta's case*** (supra) it was furthermore held thus:-

"...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 by

husband's close relatives 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."

10. In such circumstances, normally against a person who is not falling under any of the aforesaid categories when allegations are raised, in the light of the observations made in ***Preeti Gupta's case (supra)***, the Court concerned owes an irrecusable duty to see whether such implication is over implication and/or whether the allegations against such a person is an exaggerated version. We have already taken note of the fact that except the observation made in paragraph 7 there is no consideration at all of the contentions of accused No.5 in the impugned order.

11. In the decision in ***Geeta Mehrotra and Anr. v. State of U.P. and Anr.***, this Court held that 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 tendency of over implication viz., to draw the entire members of the household in the domestic quarrel resulting in matrimonial dispute, especially when it happens soon after the wedding. In the decision in ***Kahkashan Kausar @ Sonam and Others v. State of Bihar & Ors.***, this Court quashed proceedings in so far as family members of the husband on the ground that the allegations against them are general and ominous in nature. In matters like the one at hand when relatives not residing in the same house where the alleged victim resides, the courts shall not stop consideration by merely looking into the question where the accused is a person falling within the ambit of the expression 'relative' for the purpose of Section 498-A, IPC, but should also consider whether it is a case of over implication or exaggerated version solely to implicate such person(s) to pressurise the main accused. It is also relevant to refer to the decision of this Court in ***State of Haryana v. Bhajan Lal***, wherein after considering the statutory provisions and the earlier decisions, this Court referred to various categories of cases where the inherent powers under Section 482, Cr.P.C. could be exercised by High Court to prevent abuse of process of Court or otherwise to secure ends of justice. One among such categories is where the allegations made

in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent man could ever reach a just conclusion that there is sufficient ground for proceeding against an accused."

12. Further the Apex Court in the cases of ***Dara Lakshmi Narayan and others vs. State of Telangana: 2024 SCC OnLine SC 3682, and Geddani Jhansi vs. The State of Telangana: 2025 INSC 160*** has held that there is exaggerated version of the incident and the same can also be seen from the fact that the entire family has been made an accused for ulterior motives and with malafide intention with general and omnibus allegations.

13. Thus in view of the judgements of the Apex Court, since common, general and omnibus allegations against the applicant no.2- Bablu (father-in-law), the applicant no.3- Smt. Geeta (mother-in-law), the applicant no. 4 Manisha (nand) and the applicant no. 5 Kiran (nand), the applicant no. 6 Golu (devar) and the applicant no. 7 Monu (devar) of the opposite party no. 2 who are the family members of the applicant no. 1 Rohit the husband of the opposite party no.2, have been levelled, the present petition deserved to be allowed and as such the same is allowed in respect to them.

14. The petition in respect to the applicant no. 1 Rohit the husband of the opposite party no. 2 is dismissed. The interim order, if any, stands vacated.

15. The impugned charge sheet, cognizance order and proceedings of the said case are hereby quashed in respect of applicant no.2 to 7.

16. The trial court to proceed with the trial of the applicant no.1 Rohit without granting undue adjournment to either of the parties.

17. Pending application(s), if any, shall stand disposed of.

(Samit Gopal,J.)

September 28, 2026
Naresh