



2026:AHC:205894

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 47598 of 2023

Lavakush And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghuraj Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAMIT GOPAL, J.

1. List revised.

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

3. Notice was issued to the opposite party no. 2 vide order dated 05.01.2024. As per office report dated 29.09.2026 notice has been served personally on the opposite party no. 2. Office has placed on record the report dated 10.09.2026 of Chief Judicial Magistrate, Etah which states that notice has been served personally upon the party no. 2. The said report of C.J.M. concerned encloses with it the report of concerned police station which also states that notice has been served upon the opposite party no.2 personally. Service of notice is thus sufficient. Despite service no one appears on behalf of opposite party no. 2 even in the revised list

4. The matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 05.01.2024. Office has placed on record a report of Mediation and Conciliation Centre of this Court, a perusal of which goes to show that Mediation Centre through its report dated 25.4.2024 has reported that parties were not willing for mediation since the opposite party no. 2 failed to appear on all date. Thus mediation has failed.

5. Learned counsel for the State submits that he does not proposes to file any counter affidavit in the matter. Thus the Court proceeds to hear the

matter.

6. This Criminal Misc. Application U/S 482 Cr.P.C. has been filed before this Court by the applicants- Lavakush (husband), Rohitash Verma (brother-in-law), Mala Devi@Malla Devi (mother-in-law), Premvati (mother-in-law), Udham Singh@Kitab Singh (father-in-law), Garibdash (father-in-law) with the following prayers:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present application and quash the charge sheet dated 14.02.2022 as well as cognizance and summoning order dated 13.07.2022 in Case No. 8971 of 2022 (State Versus Lavkush and others) arising out of case crime no. 041 of 2021 under section 498A, 323, 504, 506 of I.P.C. and 3/4 D.P. Act, Police Station- Mahila Thana, District-Etah, pending in the Court of Additional Civil Judge (J.D.) F.T.C./C.P.W., District Etah.

It is further prayed that this Hon'ble court may graciously be pleased to stay the further proceedings of in Case No. 8971 of 2022 (State Versus Lavkush and others) arising out of case crime no. 041 of 2021 under section 498A, 323, 504, 506 of I.P.C. and 3/4 D.P. Act, Police Station- Mahila Thana, District-Etah, pending in the Court of Additional Civil Judge (J.D.) F.T.C./C.P.W., District Etah, till the pendency of present application, and/or pass such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the present case, otherwise the applicants shall suffer irreparable loss and injury."

7. The F.I.R. of the matter was lodged on 08.8.2021 as Case Crime No.0041 of 2021 for the offences under Sections 498A, 323, 504, 506, 354, 376 I.P.C. and Sections 3/4 Dowry Prohibition Act, 1961, at Police Station- Mahila Thana, District Etah, by Vinesh against the applicants on an application moved before Superintendent of Police, Etah, alleging therein that she is a resident of village Nagla Rambaksh, Police Station Jalesar, District Etah. She was married four years ago on 22.01.2017 as per Hindu rites and customs by her father Shri Kalicharan and other family members as per their capacity by giving gifts like TV, cooler, fridge, Passion Pro Hero motorcycle, Rs. 171000/= cash, gold jewellery

weighing about 40 grams and silver jewellery weighing about 300 grams, clothes, utensils and household items of small and big size etc. by spending about Rs. 600000 from their private residence with the consent of both the families. Her husband Lavkush, brother-in-law Rohitash and Dinesh, sons of Garibdas, mother-in-law Smt. Mala Devi, mother-in-law (chachiya saas) Premvati, and father-in-law(chachiya sasur) Kitab Singh were not happy with the dowry given in the marriage and were demanding Rs. 4 lakh as additional dowry every day. They used to harass her in various ways by taunting her on small matters, physically and mentally harassing her, beating her and abusing her. Since her husband was working outside, the brother-in-law Rohitas and Dinesh used to use obscene language on her, took advantage of her loneliness, kept an evil eye on her and tried to establish an illicit relationship with her. Many times her brother-in-law Rohitas and Dinesh and father-in-law Garibdas and chachiya sasur Kitab Singh locked her in a room and raped her. On the night of 03.08.2020 at about 10.00 pm, brother-in-law Rohitas finding her alone, made her to drink mixed with some intoxicant in room and committed illegal act with her and clicked some obscene photographs. Rohitas brother-in-law on the pretext of making the obscene photographs viral to defame her and threatening to kill her that if she complained about it to anyone, did wrong act with her several times and when she somehow gathered courage and complained about the incident to her brother and mother on which her brother and father went to her in-laws' on 04.12.2020 to talk, but the accused started beating her in front of her brother Viru and father Kalicharan and when they tried to save her, they beat up her brother and father and threw them out of the house and were told that if she wanted to stay in the house, she would have to obey Rohitas and also arrange for 10 lakh rupees, otherwise we will not keep her in the house and since then she is forced to live with her three-year-old son at her maternal house with her father and brother. She went to the police station and had already submitted applications four times in the past. After the report was not lodged she is now submitting the application for the fifth time. Therefore, it is requested that kindly order the SHO of Police Station Jalesar to register a report and take necessary action.

8. Investigation in the matter concluded and a charge sheet dated 14.2.2022 was submitted against the applicants under Sections 498A, 323, 504, 506 I.P.C. and Sections 3/4 Dowry Prohibition Act, 1961. The court of Civil Judge (J.D.), F.T.C. (Crime Against Women) Etah, took cognizance upon the same and summoned the accused vide order dated 13.7.2022 for the offences under Sections 498A, 323, 504, 506 I.P.C. and Sections 3/4 Dowry Prohibition Act. No offence under Sections 376/354 I.P.C. was found and thus the said sections were deleted. Thus the present application under Section 482 Cr.P.C. has been filed by the applicants with the prayers as aforesaid.

9. 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 Lavakush the husband and the opposite party no. 2 Veenesh. It is submitted that the other applicants are the family members of the husband being the applicant no.2 Rohitash Verma (brother-in-law), no.3 Mala Devi (mother-in-law), no.4 Premvati (mother-in-law), no.5 Udham Singh@Kitab Singh (father-in-law) and no.6 Garibdash (father-in-law) who have been implicated falsely only because of the reason that they happen to be the family members of the husband. It is submitted that general and omnibus allegations have been levelled against the applicants of torturing and assaulting on the victim/complainant and demanding additional dowry. It is submitted that the present case is a case of no injury, para-16 of the affidavit has been placed before the Court for the same. 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.

10. Per contra, learned counsel for 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.

11. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant no. 1 Lavakush is the husband of the opposite party no.2 and the other applicants are brother-in-law, mother-in-laws, father-in-laws 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 applicants no. 2 father-in-law, no.3 mother-in-law and no. 4 devar are general and omnibus. General and omnibus allegations have been levelled against the applicants of torturing and assaulting on the victim/complainant and demanding additional dowry. It is a case of no injury. 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 **Geddam 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 facts and circumstances of the case and the judgements of the Apex Court, since common, general and omnibus allegations against the applicants no.2 Rohitash Verma (brother-in-law), no.3 Mala Devi (mother-in-law), no.4 Premvati (mother-in-law), no.5 Udham Singh@Kitab Singh (father-in-law) and no.6 Garibdash (father-in-law) of the opposite party no. 2 who are the family members of the applicant no. 1 Lavakush 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 the applicants no. 2 to 4.

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

15 The impugned charge sheet dated, cognizance and summoning order dated and the proceedings of the case are hereby quashed in respect of applicant no.2 Rohitash Verma (brother-in-law), no.3 Mala Devi (mother-in-law), no.4 Premvati (mother-in-law), no.5 Udham Singh@Kitab Singh (father-in-law) and no.6 Garibdash (father-in-law).

16. The trial court to proceed with the trial of the applicant no.1 Lavakush (husband) without granting undue adjournment to either of the parties.

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

18. A Criminal Misc. Application No.2 of 2026: Dated- 22.09.2026 has been filed by the applicants before this Court with the following prayers:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present misc. application and directed the office incharge of Mediation and conciliation Centre of this Hon'ble court to refund the amount of Rs. 20,000/ in the favour of the applicants after deducting amount of Rs. 5,000/ and/or pass such other and further order which this Hon'ble fit Court may deem and proper under the circumstances of the present case, otherwise the applicant cant shall suffer irreparable loss and injury."

19. Learned counsel for the applicants submits that the opposite party no. 2 had failed to appear on all dates before the Mediation and Conciliation Centre of this Court but the money as ordered to be paid to her, has not been paid to her which may be allowed to be refunded to the applicant no.1 as Rs.25,000/- was directed to be deposited by the applicants which was deposited by them on 17.1.2024 and Receipt No.03426 was issued for it by the Mediation Centre of this Court. It is submitted that out of which Rs.20,000/- was directed to be paid to the opposite party no.2 as expenses.

20. The Court has perused the said application and the affidavit filed in

support of it. The same is allowed.

21. Mediation and Conciliation Centre of this Court shall return Rs.20,000/- to the applicant no. 1 within a period of three weeks from today as per Rules.

(Samit Gopal,J.)

September 30, 2026
Naresh