



2026:AHC:210388

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 35885 of 2025**

Vyas Dubey And 4 Others

.....Applicant(s)

Versus

State Of U.P. And Another

.....Opposite  
Party(s)

---

|                               |                                        |
|-------------------------------|----------------------------------------|
| Counsel for Applicant(s)      | : Arvind, Mohit Singh                  |
| Counsel for Opposite Party(s) | : G.A., Lakshman Tripathi, Sumit Kumar |

---

**Court No. - 79**

**HON'BLE MADAN PAL SINGH, J.**

1. Heard Mr. Mohit Singh, learned counsel for the applicants, learned counsel for opposite party no.2 and the learned A.G.A. for the State.

2. This application under Section 528 B.N.S.S. has been preferred by the applicants with a prayer to quash the entire proceedings of Criminal Case No. 13412 of 2025 arising out of Case Crime No. 27 of 2017 under Sections 120-B, 419, 420, 465, 468, 504 and 506 I.P.C. Police Station-Basai Jagner, District-Agra pending in the Court of Additional Chief Judicial Magistrate, Court No.3, Agra pursuant to the order dated 5th July, 2025.

3. The brief facts of the present case are that instant first information report has been lodged by the opposite party no.2 on 25th March, 2017 through an application under Section 156 (3) Cr.P.C. dated 14th June, 2016 against the applicants by name alleging therein that the complainant is an ex-serviceman. He is god fearing and law abiding person. His daughter Pummie Pista Sharma was of marriageable age and the complainant was planning to get her married to a suitable groom. 2. That Vyas Dubey S/ O Siyaram Shastri R/ O Village Santha Navipur PS Jalesar District Etah (UP) approached him stating that his son Udhav Kumar Dubey is MCA and is lecturer at Central Academy, Jodhpur. That having found good proposal the complainant decided to get his daughter married. The accused persons visited the complainant place and the marriage was fixed. They demanded dowry from the complainant and a dowry of Rs 15 Lakhs was paid. Considering it as the good marriage the dowry was paid for the well being of the girl child. 3. That the marriage was solemnized on 24.02.2012 from the native Village of the complainant. When the girl visited her in laws place she came to know that Udhav Kumar Dubey was married earlier and his wife was killed by the husband and in laws for dowry. He had two sons from his previous marriage namely Bhargav Yogesh and Mayank Madhav. This matter was intimated by his daughter to the complainant. When

the complainant confronted the Vyas Dubey, he told the complainant that the sons are of his elder son Dharmendra Dubey and somebody might have teased her. It was admitted by Dharmendra Dubey that they are his sons. This was done under the criminal conspiracy. Mrs Vidya Devi, Sarvesh and Surendra Pachauri also vouched that they are sons of Dharmendra Dubey. The complainant was thus deceived to believe that they are sons of Dharmendra Dubey. He was also shown two certificates where in the name of Shri Dharmendra Dubey was endorsed as the father of the children. The documents were forged to convince the complainant. 4. That prior to marriage it was told that Shri Udhav Kumar Dubey is a lecturer and his qualification is MCA. This was also fake as he had not completed the MCA and he was a school teacher. Whereas the daughter of the complainant was educated and there were many proposals for her. The marriage was thus solemnized on the fake assurances and by deceiving the 3. complainant. There was impersonation by the Dharmendra Dubey who projected himself as the father of the children of the Udhav Kumar Dubey. 5. That a child was born out of this wedlock and Udhav Kumar Dubey came to see his child in the month of July 2015. He admitted to the daughter of the complainant that he had now three sons. When the daughter of complainant enquired as to how he has three sons, he told that the two sons are from his previous wife. She was unaware that he was married earlier. She was in state of shock. She told the complainant about this conversation and the complainant sought clarification from Udhav Kumar Dubey who admitted that they had told lies earlier as they never wanted to lose the good marriage proposal. He threatened the complainant that now your daughter is mother and she has no option but to continue in this relationship. More over in Brahmins there is no second marriage. 6. That the complainant then informed all his relatives about the cheating to which he was victim and they went to Vyas Dubey and other accused persons, who told that now the complainant daughter has child and she will get no good match even if she leave Udhav Kumar Dubey. 7. That the life of the daughter of complainant has been ruined by the criminal conspiracy, cheating, impersonation committed by the accused persons and she was trapped into marriage by the forged documents, information and assurances. 8. That on 08.06.2016 in the morning around 0800 hrs Shri Vyas Dubey came to the house of the complainant and asked his daughter to give divorce to his son. When she refused to talk to him, she was abused and threatened of dire consequences. The life of the complainant daughter has been ruined. 9. That on 08.06.2016 the complainant accompanied by his daughter went to Basai Jagner police station for lodging an FIR but police officials failed to entertain the complainant and refused to file FIR on the matter. He also approached the superintendent of police, Agra on 09.06.2016, but no action was taken by him. Having found all doors of redressal closed the complainant is approaching this

Hon'ble Court. Prayer It is therefore humbly prayed that the Hon'ble Court may direct registration of FIR in the concerned police station and investigation under the various provisions of law.

5. In the statements recorded under Section 161 Cr.P.C., the victim i.e. daughter of informant/opposite party no.2 has categorically deposed regarding the circumstances surrounding her marriage with the respondent-husband, Uddhav Dubey, solemnized on 24.02.2012. The victim alleged that at the relevant time, the respondent-husband was employed at Central Academy and subsequently at Rajmata Krishna Kumari Girls Public School, Jodhpur, drawing a monthly salary of approximately Rs. 60,000/-. The victim has specifically alleged material suppression of facts at the time of marriage, stating that neither she nor her family members were informed about the respondent's prior marriage, the demise of his former wife, or the existence of two children from the previous wedlock. When the Investigating Officer put up question from the victim during recording her statement she has stated that these facts were disclosed to her only during the post-nuptial ceremony (\*muh dikhai), and that the curriculum vitae supplied to her father falsely reflected his status as "unmarried" and misrepresented his academic credentials as an MCA lecturer. She has further stated that owing to her health complications during pregnancy and the lack of support from her in-laws, she returned to her parental home, where she delivered a male child on 05.07.2015. The victim has highlighted that despite a settlement arrived at between the parties on the police station premises, the respondent-husband, under the garb of concealment, initiated ex-parte divorce proceedings against her. She has deposed that she was kept in complete ignorance of the institution and pendency of the said divorce petition for over a year, attributing the act to a deliberate design to prejudice her legal rights. In her additional statement, the victim has she has explicitly denied the allegations and defenses set up by the opposing party. She has refuted the involvement of any mediator named Prem Singh, denied the presence of any garlanded photograph of the former wife in the matrimonial room, and rejected the suggestion that she knowingly accepted or purchased gifts for the children of the former wife, terming all such assertions to be false, fabricated, and concocted.

6. Learned counsel for the applicant submitted the applicants are innocent. The allegations made in the first information report implicating the applicants are false and fabricated. The present first information report lodged by opposite party no.2 is nothing but a bundle of lie and the same has been lodged only for exploiting the applicants by indulging their names in a fake, false and frivolous case. The entire prosecution story as unfolded in the first information report is absolutely a self-made story projected by opposite party

no.2. The same is nothing but an abuse of process of law only with a view to harass the applicants. It is further submitted that allegation made by the complainant and the victim that her husband and in-laws i.e. the applicants concealed the fact of Applicant No. 2's first marriage and the two children born from that wedlock, and married the victim by presenting a forged resume, married card of applicant no.2 and victim and certificates for the two children to falsely claim he was unmarried, is completely baseless.

7. It is then submitted that the allegation made by the complainant and the victim that her husband and in-laws i.e. the applicants concealed the fact of Applicant No. 2's first marriage and the two children born from that wedlock, and married the victim by presenting a forged resume, married card of applicant no.2 and victim and certificates for the two children to falsely claim he was unmarried, is completely baseless. The complainant and the victim were clearly informed before the marriage that Applicant No. 1 was previously married, his first wife having passed away and that he had two children from that union. How is it possible that, given the marriage took place in February 2012 and the victim and the applicant had children in July 2015, the victim only learned, after a lapse of nearly three years that Applicant No. 2 actually had three children?. The crux of the matter is that the victim had no issues and lived happily in her matrimonial home, even caring for Applicant No. 2's two children from his first marriage, until she became pregnant herself; however, upon becoming pregnant, she began quarreling daily over the division of Applicant No. 2's property and money among three children, leading her to return to her parental home in 2015, where she gave birth in July 2015. As the conflict between the couple regarding the children escalated, Applicant No. 2 was compelled to file a divorce petition in Jodhpur in 2016; upon learning of this, the complainant filed an application under Section 156(3) to lodge an FIR against the applicants. When the complainant gave birth to a child in July 2015 and discovered that Applicant No. 2 was already married and had two children, why did she wait nearly a year before filing an application under Section 156(3)? The answer is that this application was filed as a counter-move after Applicant No. 2 had filed a divorce petition.

On the above premise, learned counsel for the applicant submits that no case under Section 420 I.P.C. is made out against the applicant.

8. Apart from the above, learned counsel for the applicants submits that even if all the allegations made by the victim or complainant are accepted for the sake of argument, the alleged offense is made out only against the victim's husband, not against his in-laws, specifically Applicants No. 1, 3, 4, and 5 (the father-in-law, mother-in-law, elder brother-in-law, and the married wife of the younger brother-in-law). These individuals derived no benefit past or present

from the victim's marriage to Applicant No. 2; furthermore, the allegation regarding the creation of forged documents and their presentation to the victim to induce the marriage rests solely upon Applicant No. 2. During the investigation, no evidence was found against these individuals, whether collected by the investigating officer or provided by the victim or complainant. Furthermore, regarding the allegation made by the victim against the "jeth" (husband's elder brother) identified as Applicant No. 4 that he claimed Applicant No. 2's two children as his own and showed their certificates to the victim, the victim did not provide these certificates to the Investigating Officer, nor did the Investigating Officer collect them.

9. Per contra, learned counsel for opposite party no.2 and the learned A.G.A. has contented that from the allegations made in the First Information Report cognizable offence is made out against the applicants. The defence of the applicant cannot be taken into consideration, at this stage. Therefore, the applicant does not deserve any indulgence.

10. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C./528 B.N.S.S. At this stage only prima facie case is to be seen where the allegation made in the FIR/complaint, even if they are taken at their entirety, prima facie constitutes cognizable offence against the accused.

11. Position of law for invoking the jurisdiction of inherent power of High Court has been settled by the Apex Court in following judgments:-

1. **R.P. Kapur Vs. State of Punjab**, *A.I.R. 1960 S.C. 866*;
2. **Kurukshetra University Vs. State of Haryana**, *(1977) 4 SCC 451*;
3. **State of West Bengal Vs. Swapan Kumar Guha**, *(1982) 1 SCC 561*;
4. **Dhanalakshmi Vs. R. Prasanna Kumar**, *1990 Supp SCC 686*;
5. **State of Haryana & Others Vs. Bhajan Lal**, *1992 Supp (1) SCC 335*;
6. **State of Bihar Vs. P.P. Sharma**, *1992 Supp (1) SCC 222*;
7. **B.S. Joshi Vs, State of Haryana**, *(2003) 4 SCC 675*;
8. **Sanapareddy Maheedhar Seshagiri & another Vs. State of Andhra Pradesh & another**, *(2007) 13 SCC 165*;
9. **State of Telangana Vs. Habib Abdullaha Jilani & others**, *(2017) 2 SCC*

779;

10. **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & others**, 2021 AIR SC 1918.

12. After considering the totality of facts of the case and keeping in mind the position of law, there is no merit in the present application at the behest of applicant no.2. Apart from that there is no material to show that the complaint/FIR is malafide, frivolous and vexatious. The version of the first information report and the statements of the informant/complainant, victim recorded under Sections 161 Cr.P.C./180 B.N.S.S., and the police documents/papers support the prosecution version against applicant no.2. The interference at the threshold of quashing of the criminal proceedings of the present case at the behest of applicant no.2 cannot be said to be exceptional as it discloses prima facie commission of cognizable offence.

13. So far as the submission made by the learned counsel for the applicant that no case under Section 420 I.P.C. is made out against the applicants is concerned, this Court may opine that it shall always be open to the applicant no.2 to raise such issue at the time of framing of charge.

14. In the result, the prayer for quashing of entire proceeding, charge sheet and cognizance order is refused in respect of husband of the victim i.e. applicant no.2.

15. However, this Court finds substance in the submission made by the learned counsel for the applicants that no case for the alleged offence is made out against the applicant nos. 1, 3, 4 and 5. Neither they are beneficiary of the marriage of applicant no.2 with the victim nor any evidence has been provided by the victim/complainant against them to the Investigating Officer nor the Investigating Officer has collected the same during the course of investigating officer.

16. It has been observed in recent times that in matrimonial disputes, all family members are implicated alongside the husband in criminal cases to exert pressure, even in the absence of any "prima facie" evidence; the aggrieved wife often implicates all in-laws based merely on sweeping and vague allegations, a pattern clearly evident in the present case as well.

17. The Apex Court in the case of **Geeta Mehrotra vs. State of U.P. and others** reported in 2012 (10) ADJ 464 has observed as under

*"24. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegation of overt act indicating the complicity of the members of the family named in the FIR in*

*a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognisance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.*

.....

*27. We, therefore, deem it just and legally appropriate to quash the proceedings initiated against the appellants Geeta Mehrotra and Ramji Mehrotra as the FIR does not disclose any material which could be held to be constituting any offence against these two appellants. Merely by making a general allegation that they were also involved in physical and mental torture of the complainant-respondent No.2 without mentioning even a single incident against them as also the fact as to how they could be motivated to demand dowry when they are only related as brother and sister of the complainant's husband, we are pleased to quash and set aside the criminal proceedings in so far as these appellants are concerned and consequently the order passed by the High Court shall stand overruled. The appeal accordingly is allowed."*

18. Similarly in **Taramani Parakh vs. State of Madhya Pradesh and others**, reported in (2015) 11 SCC 260, the Apex Court again struck a note not to indiscriminately quash the proceedings against the relatives of the husband in a matrimonial dispute on the strength of **Geeta Mehrotra (supra)**. Paragraph-12 of Taramani Parakh (supra) reads as under:-

*"12. In Kailash Chandra Agrawal & Anr. vs. State of U.P. & Ors. (Criminal Appeal No.2055 of 2014 decided on 6.9.2014), it was observed: "9. We have gone through the FIR and the criminal complaint. In the FIR, the appellants have not been named and in the criminal complaint they have been named without attributing any specific role to them. The relationship of the appellants with the husband of the complainant is distant. In Kans Raj vs. State of Punjab & Ors. [(2000) 5 SCC 207], it was observed:-*

*"5.....A tendency has, however, developed for roping in all relations of the in-laws of the deceased wives in the matters of dowry deaths which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits. In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately*

***weaken the case of the prosecution even against the real accused as appears to have happened in the instant case."***

*The Court has, thus, to be careful in summoning distant relatives without there being specific material. Only the husband, his parents or at best close family members may be expected to demand dowry or to harass the wife but not distant relations, unless there is tangible material to support allegations made against such distant relations. Mere naming of distant relations is not enough to summon them in absence of any specific role and material to support such role.*

*The parameters for quashing proceedings in a criminal complaint are well known. If there are triable issues, the Court is not expected to go into the veracity of the rival versions but where on the face of it, the criminal proceedings are abuse of Court's process, quashing jurisdiction can be exercised. Reference may be made to K. Ramakrishna and Ors. vs. State of Bihar and Anr. [(2000) 8 SCC 547], Pepsi Foods Ltd. and Anr. vs. Special Judicial Magistrate and Ors. [(1998) 5 SCC 749], State of Haryana and Ors. vs. Ch. Bhajan Lal and Ors. [(1992) Suppl 1 SCC 335] and Asmathunnisa vs. State of A.P."*

(Emphasis supplied)

19. In view the deeper scrutiny of the facts as recorded above and the law lays down by the Apex Court herein-above, this Court opines that the entire instant criminal proceedings against applicant nos. 1, 3, 4, 5, who are father-in-law, mother-in-law, elder brother-in-law and married sister-in-law respectively are abuse of process of law and the same is liable to be quashed.

20. Consequently, against the applicant nos. 1, 3, 4 and 5, the entire proceedings of Criminal Case No. 13412 of 2025 arising out of Case Crime No. 27 of 2017 under Sections 120-B, 419, 420, 465, 468, 504 and 506 I.P.C. Police Station-Basai Jagner, District-Agra pending in the Court of Additional Chief Judicial Magistrate, Court No.3, Agra are quashed.

21. With the aforesaid observations, the instant application at the behest of applicant no.2 is **dismissed**, whereas the same at the behest of applicant nos. 1, 3, 4 and 5 is **allowed**.

**October 7, 2026**  
Sushil/-

**(Madan Pal Singh,J.)**