





3. Learned counsel for the petitioners *inter alia* contends that the alleged offences are not made out against the petitioners. Learned counsel further submits that the petitioners have nothing to do with the alleged offences and there is no cogent and incriminating evidence against them. The FIR (supra) and consequent proceedings arising therefrom are an abuse of process of law and are liable to be quashed. In support of his arguments, learned counsel places reliance upon the observations in ***Varala Bharath Kumar and another vs. State of Telangana and another, (2017) Supreme Court Cases 413; Swapnil and others vs. State of Madhya Pradesh, (2014) 13 Supreme Court Cases 567*** and ***CRM-M-13517 of 2018*** titled as '***Amarjit Kaur and others vs. Jaswinder Kaur and another*** decided on 15.05.2020. Learned counsel further submits that petitioners have been entangled in the FIR (supra) only for the reason that they are the relatives of husband of the complainant. Further, all the petitioners are uncles and aunts of the husband of complainant and are senior citizens.

4. *Per contra*, learned State counsel has filed a short reply dated 18.11.2024 by way of an affidavit of Jaspal Singh, PPS, Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), which is taken on record and submits that the trial of the case is progressing and charges have already been framed. As such, at this stage, the power under Section 482 Cr.P.C. should be exercised with circumspection.

5. Learned counsel for the complainant submits that there are specific allegations against the petitioners and they have been specifically named in the FIR (supra). Further, the petitioners provoked father-in-law and husband against the complainant, due to which, quarrels started in the house. Therefore, the FIR (supra) cannot be quashed.



6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it is transpires that the petitioners are the relatives of husband of the complainant and only generic and omnibus allegations have been levelled against them. They have nothing to do with the matrimonial life of complainant and her husband. A two Judge bench of the Hon'ble Supreme Court in ***Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667*** quashed the complaint against the sister-in-law of the complainant noting that the sole purpose of filing the complaint was to humiliate her and allowing criminal prosecution to continue would amount to an abuse of process of law.

Speaking through Justice Dalveer Bhandari, the following was observed:

*“34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.*

*35. 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 suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.”*

7. A two Judge bench of the Hon'ble Supreme Court in ***Girdhar Shankar Tawde vs. State of Maharashtra (2002) 5 SCC 177***, speaking through Justice Umesh C. Banerjee, opined as follows:

*“18... In any event the wilful act or conduct ought to be the proximate cause in order to bring home the charge under section 498-A and not de hors the same. To have an event sometime back cannot be termed to be a factum taken note of in the matter of a charge under section 498-A. The legislative intent is clear enough*



*to indicate in particular reference to Explanation (b) that there shall have to be a series of acts in order to be a harassment within the meaning of Explanation (b). The letters by themselves though may depict a reprehensible conduct, would not, however, bring home the charge of section 498-A against the accused. Acquittal of a charge under section 306, as noticed hereinbefore, though not by itself a ground for acquittal under section 498-A, but some cogent evidence is required to bring home the charge of section 498-A as well, without which the charge cannot be said to be maintained...”*

8. A three Judge bench of the Hon’ble Supreme Court in ***Abhishek vs. State of Madhya Pradesh 2023(4) R.C.R.(Criminal) 239*** quashed the FIR under Section 498-A of the IPC against the mother-in-law and brother-in-law of the complainant and observed that the allegations are mostly general and omnibus in nature without any specific details as to how and when her brother-in-law and mother-in-law who lived in different cities altogether subjected her to harassment for dowry. Such allegations are found to be incongruous and difficult to comprehend. Speaking through Justice Sanjay Kumar, the scope of Section 482 Cr.P.C. qua quashing of FIR stemming from offence under Section 498-A was also deliberated upon and the following observations were made:

*“12. The contours of the power to quash criminal proceedings under Section 482 Cr.P.C., 1973 are well defined. In V. Ravi Kumar vs. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu and others [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In M/s. Neeharika Infrastructure (P). Ltd. v. State of Maharashtra and others [Criminal Appeal No.330 of 2021, decided on 13.04.2021], a 3-Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr.P.C., 1973 It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed*



*by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana and others v. Bhajan Lal and others [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.*

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*15. Earlier, in Neelu Chopra and another v. Bharti [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.*

*16. Of more recent origin is the decision of this Court in Mahmood Ali and others v. State of U.P. and others (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr.P.C., 1973. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr.P.C., 1973 or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines."*

9. Time and again, the Courts have highlighted the tendency of roping in all and sundry members of the husband's family in cases filed under Section 498-A of the IPC. Recently, a two Judge bench the Hon'ble Supreme Court in ***Mahalakshmi and others vs. State of Karnataka Criminal Appeal No. 494/2023*** decided on 30.11.2023 quashed the criminal proceedings under Section 498-A of the IPC against the husband's sisters and cousins and observed that if the allegations are not serious and substantiated, and there is no

clear evidence of accused’s involvement in the complainant’s marital life, they cannot be implicated under Section 498-A of the IPC.

10. As such, it is evident that the petitioners had no involvement in the matrimonial life of their nephew and the complainant and they have only been roped in the FIR (*supra*) by respondent No.2, out of personal spite, in order to wreak vengeance upon her in-laws family.

11. Accordingly, this petition is allowed and FIR No.45 dated 03.07.2019 registered under Sections 498-A, 323, 406 of IPC at Police Station Mattewal, District Amritsar (Rural) (Annexure P-1) and impugned challan dated 09.09.2020 (Annexure P-6) and all the subsequent proceedings arising therefrom are hereby quashed qua petitioners.

12. Pending miscellaneous application(s), if any, also stand(s) disposed of.

November 20, 2024  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

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|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |