



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 11.01.2024

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CRL.M.C. 1776/2023 & CRL.M.A. 6819/2023

IN THE MATTER OF:

KIRAN VERMA AND ORS

..... Petitioners

Through: Mr. Anmol Singh, Advocate.

versus

THE STATE AND ANR

..... Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State with WSI Sonia Sehrawat PS
Bharat Nagar and WASI Sushma
Chauhan PS Mayapuri, Delhi.
Mr. Yogesh Choudhary, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present proceedings have been instituted under Section 482 Cr.P.C. seeking quashing of the FIR No.502/2016 registered under Sections 498A/406/506/509/34 IPC at P.S. Bharat Nagar as well as the consequential proceedings.
2. The FIR came to be registered on 18.11.2016 at the instance of the complainant against her husband-*Karan Verma* and other family members who are the petitioners in the present matter.
3. In the complaint, the relation between the complainant and the petitioners are described as follows:-
 - i. *Kiran Verma* (Petitioner No.1), mother-in-law;
 - ii. *Divanshu Verma* (Petitioner No.2), brother-in-law;
 - iii. *Gridhar Lal Nischal* (Petitioner No.3), father-in-law;



iv. *Vinti Diwan* (Petitioner No.4), sister-in-law;

v. *Amit Diwan* (Petitioner No.5), husband of sister-in-law.

4. In the complaint filed on 27.05.2016, the complainant claimed that she got married to *Karan Verma* on 06.04.2014, according to Hindu rites and rituals. The marriage took place in Delhi. Thereafter, the complainant resided at the matrimonial home at Ghaziabad with *Karan Verma* and in-laws including *Kiran Verma*, *Divanshu Verma* and *Gridhar Lal Nischal*.

5. Insofar as the present petitioners are concerned, it was alleged that after the marriage, the complainant went on honeymoon to *Goa* in June, 2014, wherein petitioner Nos.1 and 4 also accompanied the couple, on account of which she could not be spend much time with her husband. After three months of marriage, the complainant and her husband-*Karan Verma* started living in another house for about 4/5 months. Thereafter, they shifted back to the matrimonial home in November, 2015.

6. It was further alleged that on account of harassment, the complainant had an abortion in February, 2016 and also suffered weight loss of about 20 Kg. *Kiran Verma* and *Vinti Diwan* also forced the complainant to cut her hair short. It was further alleged that there was a demand of Rs.20 lacs by the in-laws and on 15.03.2016 she was beaten and thrown out of the house and since then she has been living in her parental home. During the investigation, statements of the complainant were recorded on 06.02.2017, 20.03.2017, 02.09.2017 and 29.09.2017. In the statement recorded on 20.03.2017, the demand was mentioned as Rs.25 lacs. Further, the allegations relating to threat to life for non-fulfillment of demand was attributed to her husband, *Karan Verma*. Even the allegations defaming the complainant were also attributed to her husband. In the last statement



recorded on 29.09.2017, the earlier allegations were reiterated. She stated that she was not aware of the exact time and date when the demands were made by her in-laws.

7. The petitioners have contended that the allegations against them are vague and general with no specific details of the date and time and thus the continuation of trial against them would be an abuse of process of law.

8. The petition is resisted by learned APP for the State as well as learned counsel for respondent No.2. It is stated that the said allegations are specific and against all the family members.

9. The proceedings have resulted in framing of charge on 07.02.2022 whereby charge has been framed under Sections 498A/34 against *Karan Verma* as well as the petitioners. The charge under Section 406 has been framed only against *Karan Verma*, *Kiran Verma* and *Gridhar Lal Nischal*. The charge under Sections 506/509 has been framed against *Karan Verma* and the present petitioners. The said order has remained unchallenged.

10. The scope and ambit of the power to be exercised at the stage of 482 Cr.P.C. is well defined. It is emphasized time and again that while considering a petition under Section 482 Cr.P.C. seeking quashing of FIR or criminal proceedings, specially on the ground that the same is frivolous and fictitious, it is the duty of the Court to examine the FIR carefully. This aspect has been highlighted time and again by the Supreme Court most recently in Mohammad Wajid v. State of U.P.¹.

11. Having perused the FIR as well as the subsequent statements of the complainant recorded under Section 161 Cr.P.C., it is apparent that all the in-laws have been roped in with sweeping allegations. The allegations are

¹ 2023 SCC OnLine SC 951



general and non-specific. Although in the complaint, the complainant has alleged that a demand of Rs.20 lacs was made however, there are no details except that the same was demanded by the in-laws. The complaint is also bereft of details on the aspect of allegations relating to entrustment of *stridhan*. It is only in the last statement recorded that the complainant alleged that during the proceedings pending before CAW Cell, she had asked her husband and in-laws to return her *stridhan*, which they refused. Further in the statement recorded on 29.09.2017, she had stated that she was not in possession of any bills as the same were given to her husband.

12. Coming to Sections 506/509, it is noted that the allegations relating to the same were also attributed only to her husband. At no point of time has the complainant alleged that she was intimidated or threatened with defamation by anyone else except her husband.

13. At this stage, it is pertinent to take note the category of cases wherein inherent powers could be invoked for quashing of proceedings, which have been summarized by the Supreme Court in R.P. Kapur v. State of Punjab² as under:-

(i) where it manifestly appears that there is a legal bar against the institution or continuance i.g. want of sanction.

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the adduced clearly or manifestly failed to prove the charge.”

14. The Supreme Court as well as this Court has repeatedly cautioned that



there is a tendency in matrimonial disputes to rope in all the family members by making omnibus and sweeping allegations. The Court while exercising its powers under Section 482, Cr.P.C., while keeping in mind the laudable object of preventing cruelty, is simultaneously required to also ensure that there is no misuse and for which purpose, it has to be seen whether the allegations against the family members of the husband are specific relating to nature, date, time and month. It is pertinent to note that though the complainant has alleged abortion however, no offence qua the said allegation was invoked in the chargesheet. Further, no charge has been framed under Section 313 I.P.C. On a careful scrutiny of the FIR and the material collected during the investigation, the petitioner's case squarely falls in the category of 1 and 5 as set out in the case of State of Haryana & Ors. v. Bhajan Lal & Ors.³

15. In the opinion of this Court, the continuation of the criminal proceedings would result in clear patent injustice. Accordingly, the petition stands allowed and the FIR as well as consequent proceedings against the present petitioners are quashed.

16. Miscellaneous applications, if any, are also disposed of.

MANOJ KUMAR OHRI
(JUDGE)

JANUARY 11, 2024

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² 1960 SCC OnLine SC 21

³ 1992 SCC (Cri) 426