



2025:DHC:6769



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

% ***Date of decision: 25th July, 2025***

+ **CRL.M.C. 1620/2025**

1. **ZEESHAN AHMED**

R/o- N-75, Abul Fazal Enclave,
Jamia Nagar, Delhi

2. **SHAHIDA PARVEEN**

W/o Late Shakeel Ahmed
R/o- 2nd Floor, N-75, Abul Fazal Enclave,
Jamia Nagar, Delhi

3. **NABEEL AHMED**

S/o Late Shakeel Ahmed
R/o- 3rd Floor, N-75, Abul Fazal Enclave,
Jamia Nagar, Delhi

4. **SABA AFSHEEN**

W/o Hussain Ziauddin
R/o- Plot No. 4540. 7/31 Ground Floor,
Ansari Road, Daryaganj, Delhi.

.....Petitioners

Through: Mr. Bilal Anwar Khan, Ms. Anshu
Kapoor and Mr. Varun Bhati,
Advocates.

versus

1. **STATE (NCT OF DELHI)**

Through SHO/INSPECTOR
PS Hauz Qazi

2. **UROOJ BANO**

D/o Late Abdul Wahid (Complainant)
R/o H. No.3114, Kucha Pandit, Lal Kuan,
Ajmeri Gate, Delhi.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State



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with SI S.N. Ojha and ASI Sanjiv,
P.S. Hauz Qazi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS"*) has been filed on behalf of the Petitioners for quashing of FIR No. 61/2025 under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), registered at PS Hauz Qazi, Delhi and all consequential proceedings emanating therefrom.
2. It is submitted that the aforesaid FIR was registered on 24.01.2025 on fake allegations, as no particular date and time of the incident or role of the Petitioners has been described therein. A formal Complaint was filed by Urooj Bano, Respondent No.2/Complainant on 15.01.2024 at PS Kamla Market, Delhi, but the same was withdrawn by her on 10.04.2024 and the same was closed.
3. However, on 09.10.2024, Respondent No.2 in aid and abetment by her family members, stepped into the house of the Petitioners and held them at ransom. She took away the minor son, Mohd. Zavian and left while threatening that Petitioner No.1/Zeesan Ahmed would not be able to ever see the son again. She also threatened that they should wait and see what she can do to them and that she would get them sent to jail from where they would not be able to come out for three years. She even threatened the Mother-in-Law that she will show her, her place. It was only with the intervention of the Court that Petitioner No.1 was able to meet his child after 4.5 months.



4. It is further submitted that entire RWA of the locality, where the Petitioners reside, witnessed the commotion created by Respondent No.2 and her family members. RWA wrote to the PS Shaheen Bagh to take appropriate action against her, though no action has been taken.
5. Respondent No.2 then filed another Complaint dated 23.10.2024 at PS Kamla Market, which resulted in the registration of the present FIR.
6. It is asserted that Petitioner No.1 and Respondent No.2 had got married according to Muslim customs and rites on 01.10.2022, in support of which the *Nikahnama* has been filed.
7. It is asserted that Petitioner No.1 works in an IT company and has responsibility of his widow mother/Petitioner No.2/Shahida Parveen and sister/Petitioner No.4/Saba Afsheen. Petitioner No.1 (husband of Respondent No.2) resides on the 4th Floor, while his mother and brother/Petitioner No.3/Nabeel Ahmed reside on 2nd and 3rd Floors respectively. His sister Saba Afsheen/Petitioner No.4 got married in December, 2023 and has shifted to her matrimonial house in Daryaganj.
8. The **quashing of the FIR is sought on the grounds** that there is no evidence on record *qua* the Petitioners and there is no case made out against them. It is stated that the first Complaint having same allegations was withdrawn and only to harass the Petitioners, this second Complaint has been filed which contains baseless, concocted allegations and there is not even a *prima facie* case of any physical violence made out from the Complaint itself. Respondent No.2 has named everybody in the FIR with sweeping allegations running into several pages.
9. The FIR cannot be said to be a gospel of every allegation but in this case, even if it is accepted as a gospel, they fall starkly short of meeting the



threshold of cruelty and harassment envisaged under Section 498A IPC.

10. Respondent No.2 by getting the FIR registered, has engaged herself in abuse of process of law. It was she who snatched the child from the custody of the Petitioners for 4.5 months, during the pendency of proceedings before CAW Cell. She even threatened to get them implicated in this case. Further, she filed a Petition under the Domestic Violence Act, against the Petitioners without disclosing her own conduct and mala fide.

11. Reliance has been placed on Sushil Kumar Sharma vs. Union of India 2005 (6) SCC 281, to argue that the object of Section 498A IPC is to prevent the dowry menace. However, it cannot be permitted to be used as a licence in the hands of unscrupulous people to wreck personal vendetta or unleash harassment.

12. Reliance has also been placed on Digambar and Another vs. The State of Maharashtra and Another, SLP (CRL.) 2122/2020, wherein the ingredients for an offence under Section 498A IPC have been elucidated. It is stated that the allegations must be specific describing role to the Accused persons. Further, mere cruelty is not enough to constitute the offence and it must be done with an intent to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself.

13. Reliance has also been placed on Geddam Jhansi & Anr vs. The State of Telangana & Ors., SLP (CRL.) 9556/2022, wherein the FIR under Sections 498A/506 IPC read with Sections 3/4 of Dowry Prohibition Act, 1961, was quashed by observing that in matrimonial disputes, emotions run high, and the Complaints filed alleging harassment or domestic violence have a tendency to implicate other members of the family who do not come to the rescue of the complainant. A co-ordinate Bench of this Court in Ajay



vs. State & Anr., CRL M.C. 4689/2019, also observed to the similar effect.

14. It is asserted that there is no offence under Section 498A IPC made out in the Complaint and it is a gross abuse of process of law and is liable to be quashed, for which reference is made to State of Haryana and Ors. vs. Ch. Bhajan Lal and Ors., (1986) 3 SCC 67.

15. *It is, therefore, submitted that present FIR be quashed.*

16. The **Status Report has been filed on behalf of the State**, wherein it has been detailed that on the Complaint of Respondent No.2 wherein allegations of dowry harassment were made, the FIR has been registered and investigations are still in progress.

Submissions heard and record perused.

17. Domestic relationships, such as marriage, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. Preservation of family relationship has always been emphasised upon. Criminalising domestic disputes without specific allegations and credible material to support, may have disastrous consequences for the institution of family, which is built on the foundation of love, affection, cordiality and mutual trust, as has been observed by the Apex Court in the case of Geddam Jhansi & Anr., (supra).

18. Section 498A IPC was introduced with the objective of combatting harassment and cruelty against women. However, over a period of time, it has been revealed that this provision has now become a tool to harass the husband and his family members. Many a times the allegations made do not have their root in the harassment or cruelty, but the genesis is in the



temperamental difference, which is given the colour of criminality.

19. At the outset, the reference may be made to Section 498-A of the Penal Code, 1860 which reads as under:-

“Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, “cruelty means”—

(a) **any wilful conduct** which is of such a nature as is likely to drive the woman to commit suicide or to cause **grave injury or danger to life, limb or health** (whether mental or physical) of the woman; or

(b) **harassment of the woman** where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

20. The act of ‘**cruelty**’ by a husband or his relative towards a woman, has been defined in the Explanation appended thereto, which provides that the cruelty punishable under Section 498A may be of two kinds;

- (i) *Firstly, such conduct which is likely to drive a woman to commit suicide or to cause grave injury to herself; or*
- (ii) *Secondly, harassment to coerce her or any person related to her to meet any unlawful demand for any property or valuable security.*



21. In Dara Lakshmi Narayana vs. State of Telangana, 2024 SCC OnLine SC 3682 the Supreme Court while dealing with the components of Section 498A IPC and to ascertain whether the same are attracted on vague allegations raised by the wife, observed that *the contents of the Complaint may be assessed to see if there is any kind of cruelty as contemplated in Clause 1 or if there is any harassment for dowry as contemplated in Clause 2 is made out*. If the allegations in the FIR are found to be vague and ambiguous and lack precise allegations which are alleged after the notice of divorce, then it may be concluded that the FIR has been lodged as a retaliatory measure intended to settle the score with the husband and his relatives. In such a situation, the quashing of the FIR is justified.

22. In Jayedepsinh Pravinsinh Chavda vs. State of Gujarat, (2025) 2 SCC 116 the Supreme Court again while considering the guilt of the husband under Section 498A IPC observed that cruelty simpliciter is not enough to constitute the offence under Section 498A IPC; rather it must be done either with an intention to cause injury or to drive the person to commit suicide or with an intention to coerce her and her relatives to meet unlawful demands. *Mere cruelty is not enough to constitute the offence*.

23. A reference was made to the aforementioned judgments in Digambar vs. State of Maharashtra, 2024 SCC OnLine SC 3836 : 2024 INSC 1019 wherein it was reiterated that where the FIR or the Complaint even if taken on the face value and accepted in their entirety, do not prima facie constitute a case against the accused, the quashing of proceedings would be justified. Only stating cruelty has been committed by the Appellants, would not amount to an offence under Section 498A IPC.



24. In the light of the aforesaid, the allegations made in the Complaint may be considered.

25. At the outset, it is pertinent to observe that a Complaint dated 15.01.2024 was filed by Respondent No.2/Urooj Bano (wife of Petitioner/Zeeshan Ahmed) before CAW Cell, wherein similar allegations of cruelty and harassment were made. However, pursuant thereto, Respondent No. 2 submitted a Withdrawal Request Letter dated 10.04.2024 wherein it was stated that the Petitioner No.1 had appeared in four counselling sessions but no reconciliation was reached out. However, both the parties expressed their desire to settle their differences through involvement of their respective families and thus, Respondent No. 2 sought permission to withdraw her Complaint. Accordingly, the same was withdrawn *vide* said Withdrawal Letter dated 10.04.2024.

26. Having withdrawn her first Complaint on 10.04.2024, Respondent No.2 again filed a fresh Complaint on 23.10.2024 making detailed allegations against the Petitioners, who are her husband and in-Laws. It was stated in this Complaint that Petitioner No.1 got married to Respondent No.2 according to Muslim customs and rites on 01.10.2022. Respondent No.2 further stated that at the time of her marriage, her mother and brother had given dowry articles of substantial amounts and also of Rs.35,00,000/- were spent on marriage, including cost of electronic items, gold jewellery, utensils, marriage ceremony, booking of hall, food and gift items for her in-laws.

27. It was asserted in the Complaint that Petitioner No.1 complained on the first night of their marriage that he had married her on account of her salary since she was a Teacher in a Government School and they were



expecting much more cash and gold. After two days of marriage, she was told that her Brother-in-Law's wife (*jethani*) was not mentally fit and that she should have to shoulder the responsibility of taking care of her in addition to that of her husband and other family members. She took all the responsibility of her matrimonial house on her shoulder, even though she was working as a School Teacher.

28. The Complainant became pregnant and told her husband but he did not give any positive response and forced her to get the abortion done, to which she refused.

29. After two months of the marriage, her husband again started other tactics and demanded huge amount of money by manipulating her. He asked her to bring Rs.70-80 Lakhs from her brother, so that the Petitioners could move to a DDA which would cost Rs.3-4 crores. Petitioner No.1 wanted to secure the future of the family. She refused to get the money from her brother but promised him that she would transfer her entire bank balance, her jewellery and whole salary to him, in order to save their marriage.

30. *These allegations may be considered in the light of her first Complaint dated 15.01.2024*, wherein she stated **firstly**, that because of her pregnancy most of the time she stayed at the home of her mother, as she was not getting rest or food in the matrimonial home. The allegations that she was not being treated well during her pregnancy are essentially controverted by her first Complaint in so much as she largely remained in her parental home, as per her first Complaint.

31. **Secondly**, she claimed that there was a demand of Rs.70-80 Lakhs from her for buying a DDA Flat, however, it is pertinent to note that these are only vague assertions made by her without giving any specific date or



time when such demand was made.

32. **Thirdly**, it is asserted that she agreed to transfer all her jewellery and money to the Petitioners to satisfy their demands, but there is no specific detail of the jewellery or the money that was ever handed over by her. Had she given her entire saving, it would have been very simple for her to give the specific amount and the date on which the amount got transferred. It is evident that these are the allegations, which are vague, are without any concrete basis.

33. The **fourth set of allegations** are Respondent No.2/the Complainant has further alleged that everything in the family happened as per the desire of her Mother-in-Law. If she brought the food from outside and kept it in the refrigerator, the food would be taken away by Mother-in-Law and Sister-in-Law. She, at times, had to visit her parental home and live there. She also alleged that she was allowed only to go to school, but was not allowed to stand even in the balcony or meet the neighbours. Her mother-in-law used to say “*ye mera ghar hai meri marzi ke bina yahan parinda bhi par nahi maar sakta*”.

34. She had further made allegations that she had dust allergy, despite which she was not permitted to engage a maid for herself. The Mother-in-Law would send the maid only once a week at times, which was not enough to keep the house clean.

35. These assertions again merely reflect the temperamental differences between Respondent No.2 and her in-Laws. However, these claims do not demonstrate that Respondent No.2 was experiencing any form of harassment or cruelty of the kind envisaged under Section 498A IPC.

36. Further, **fifth set of allegations** is that after the Caesarean-Section



delivery of the Child, Respondent No. 2 went to her matrimonial home, but was not given food properly. She called her mother immediately, who came to reside with her for five days, during which the attitude of the Petitioners was not good towards her. Further, on 28.06.2023, the stitches were removed and she was shifted back to the 4th Floor of her parental home with the child. She requested to hire a maid for few months, but was not permitted to do so. She was compelled to do the entire household work and her Mother-in-Law and Sister-in-Law started demanding expensive gifts from her.

37. On the occasion of *Aqeeqah* function on 08.07.2023, when the mother and sister of Respondent No. 2 visited her matrimonial home, her Mother-in-Law and Sister-in-Law misbehaved with them and stated that if they have so much love for their daughter then why do they not take her back with them. Similarly, on 23.07.2025, during the celebration of her child's function, her Husband and Mother-in-Law invited only their own family members and did not extend an invitation to her side of the family. This was despite the fact that her mother had spent a significant amount on gifts as well as on cash gifts for Respondent No.2, her child, and in-Laws.

38. Respondent No.2 was forced to eat stale food of the *Aqeeqah* function for the next five days, i.e. 23.07.2023 - 28.07.2023, because of which she suffered ill health. When she told her husband about the same, he along with his mother, sister and brother started fighting with her. On the next date, she called her family members and it was decided that she should separate her kitchen and cook food according to her choice. Accordingly, she set up her temporary kitchen on the 4th floor, but she was not permitted to use the same. She further asserted that she was being harassed and every time she



made a complaint to her husband, he threatened to divorce her.

39. It is further asserted by Respondent No. 2/Complainant that various efforts were made *inter se* the family members to sought out the difference. She admittedly made the Complaint on 15.01.2024, which she herself state that because of the intervention of the relatives and well-wishers, was withdrawn on 10.04.2024.

40. The entire narration of the Complaint clearly shows that there are no allegations of cruelty, which could drive her to commit suicide or cause harm to herself. Also, there is no allegation which can be termed as harassment to compel her or her family members to satisfy their demands. The expenses incurred on the occasion of the function of the new born child was also by way of gifts and not pursuant to any demand or harassment.

41. According to her, when she joined her matrimonial home on 28.04.2024, her husband told her that he had apparently entered into the settlement only to avoid any legal action being taken against him. Due to these day-to-day temperamental differences, ultimately, according to the Complainant, on 09.10.2024, Petitioner No.1 decided to shift his bed from the 4th Floor. Respondent No.2 then contacted her family members, and ultimately, she alleges that she was thrown out of her matrimonial home. Since then, she has been residing at her parental home.

42. In this entire detailed Complaint, the only allegations of dowry harassment was a demand of Rs.70-80 Lakhs for a DDA flat, but as already discussed above, it is only a vague allegation lacking any specifics. All other allegations, even if believed to be true, merely reflect temperamental differences and do not make out a case of harassment or cruelty as defined in Section 498A IPC.



43. It can also not be overlooked that the first Complaint containing similar allegations was withdrawn by Respondent No.2 herself, as the matter was being compromised between them. However, when the differences did not settle, she again made a Complaint, which resulted in the registration of present FIR. Clearly, the present FIR is merely intended to settle the matrimonial disputes and does not disclose any offence under Section 498A IPC.

44. At this juncture, it is apposite to refer to Dara Lakshmi Narayana, (supra), wherein the Supreme Court while discussing the objective of Section 498A IPC, also raised concerns about its misuse in matrimonial disputes. It was observed that Section 498A IPC was intended to curb cruelty inflicted on the woman by her husband or his family, ensuring swift intervention by the State. However, the recent times have seen that a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage. *There is a growing tendency to misuse the provisions like Section 498-A of the Penal Code, 1860 as a tool for unleashing personal vendetta against husband and his family members.* Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Many a times, recourse is taken to Section 498A IPC only to seek compliance of unreasonable demands of a wife. The Courts, therefore, time and again have cautioned against prosecuting the husband and his family members in the absence of a clear *prima facie* case against them. Section 498A IPC was only intended for the protection of woman subjected to cruelty, but cannot be permitted to be misused by her, for which



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the facts of each case may be closely scrutinised.

45. Unfortunately, this case also happens to be one of those cases where Section 498A IPC has been resorted to merely to settle the difference between the husband and wife. ***This is nothing but a gross abuse of process of the Court.***

46. In the light of the aforesaid observations, FIR No. 61/2025 under Sections 498A/406/34 IPC, registered at PS Hauz Qazi, Delhi and all consequential proceedings emanating therefrom, stand quashed.

47. The Petition is accordingly disposed of, along with pending Application(s), if any.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 25, 2025/R