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

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Pronounced on: 09th May, 2025

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CRL.M.C. 1066/2021, CRL.M.A.5446/2021
(stay) & CRL.M.A.13474/2023 (for amendment)

1. **SH. PANKAJ CHAUHAN**
 rep. by his father and PoA holder
 Sh. Pratap Chauhan
 R/o Flat No. 80-C, Pocket-6,
 MIG Flats, Mayur Vihar, Phase-3,
 Delhi 110096

Also at:

6/10-13, Kitasuna, Koto-ku,
 Tokyo Freshroom, Kameido, Ojima 105 Tokyo,
 Japan, Zip-1360073Petitioner No.1

2. **MRS. JAGRITI MINHAS,**
 W/o Sh. Chiranjeev Minhas,
 D/o Sh. Pratap Chand Chauhan,
 aged 35 years
 residing at H.No. 200/1, Sector-44-A, Chandigarh
Petitioner No. 2

3. **SH. CHIRANJEEV MINHAS**
 S/o Sh. Dilip Singh Minhas,
 aged 39 years,
 residing at H.No.200/1, Sector-44-A, Chandigarh.
Petitioner No.3

Through: Mr. R.Satish and Mr. Rajesh Kumar,
 Advocates.

versus

1. **THE STATE (Govt. of NCT of Delhi)** ...Respondent No.1



2. **PROSECUTRIX**

D/o Sh. Ramesh Chand Chauhan,
R/o A-19, Garima Garden,
Sahibabad, Ghaziabad, U.P.

...Respondent No.2

Through: Ms. Meenakshi Dahiya, APP for the
State with WSI Ingkumnaro, P.S.
New Ashok Nagar.
Mr. Jitender Kr. Garg, Advocate for
R-2 along with R-2 in person
(through VC).

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+ **CRL.M.C. 2010/2021, CRL.M.A.13600/2021 (to call for diary of
proceedings in investigation), CRL.M.A.13601/2021 (stay)
& CRL.M.A.13475/2023 (for amendment)**

PRATAP CHAND CHAUHAN

S/o Khub Chand Chauhan
R/o Flat No. 80-C, Pocket-6,
MIG Flats, Mayur Vihar, Phase-3,
Delhi 110092

.....Petitioner

Through: Mr. R.Satish and Mr. Rajesh Kumar,
Advocates.

versus

1. **THE STATE (GOVT.OF NCT OF DELHI)** Respondent No.1

2. **PROSECUTRIX**

D/o Sh. Ramesh Chand Chauhan,
R/o A-19, Garima Garden,
Sahibabad, Ghaziabad, UP

..Respondent No.2

3. **SH. PANKAJ CHAUHAN**

R/o Flat No. 80-C, Pocket-6,
MIG Flats, Mayur Vihar, Phase-3,
Delhi 110092

Also at:

6/10-13, Kitasuna, Koto-ku,
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Japan, Zip-1360073

...Respondent No.3

4. **MRS. JAGRITI MINHAS,**
W/o Sh. Chiranjeev Minhas,
D/o Sh. Pratap Chand Chauhan,
aged 35 years
residing at H.No. 200/1, Sector-44-A, Chandigarh
....Respondent No. 4
5. **SH. CHIRANJEEV MINHAS**
S/o Sh. Dilip Singh Minhas,
aged 39 years,
residing at H.No.200/1, Sector-44-A,
Chandigarh
...Respondent No. 5

Through: Ms. Meenakshi Dahiya, APP for the
State with WSI Ingkumnaro, P.S.
New Ashok Nagar.
Mr. Jitender Kr. Garg, Advocate for
R-2 along with R-2 in person
(through VC).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

1. Petition bearing **CRL.M.C. 1066/2021** under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*), has been filed against the Order on Charge dated 29.11.2019 whereby the Charges under Section 498A read with Section 34 and Section 406 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) have been framed against the Petitioner No. 1/ Mr. Pankaj Chauhan; Charges under Section 498A read with Section 34 IPC, have been framed against Petitioner No.2/Mrs. Jagriti Minhas; Charges under Section 498A read with Section 34 IPC and Section 354 IPC, have been framed against the Petitioner No. 3/Mr.



Chiranjeev Minhas in FIR No. 1519/2015 dated 11.11.2015 under Section 498A/406/34/354/511/109/376 IPC registered at Police Station New Ashok Nagar.

2. Second Petition bearing **CRL.M.C. 2010/2021** under Section 482 of Cr.P.C., has been filed by Mr. Pratap Chand Chauhan, father-in-law of the Respondent No. 2/Complainant, challenging the same Order on Charge dated 29.11.2019 *vide* which Charges under Section 376/354/511/498A/34 IPC, have been framed against him.

3. ***Briefly stated***, Petitioner, Mr. Pankaj Chauhan employed in Tokyo, Japan, got married to the Respondent No. 2/Complainant on 25.09.2014 at Hamirpur, Himachal Pradesh, according to Hindu Rites and Ceremonies. However, after a brief period, the marriage came to an end on 04.04.2015. The parties took *Divorce by Mutual Consent*, in terms of the Settlement dated 28.11.2018 and the divorce was granted on 28.11.2018 in HMA No. 993/2018. In terms of the Settlement, Rs.12,00,000/- was paid to the Respondent No. 2, towards the complete Settlement. In addition, all the *stridhan* and jewellery was returned, which was duly acknowledged in the presence of SHO, New Ashok Nagar and witnesses *vide* Receipts dated 17.12.2015, 25.02.2016 and 29.05.2016.

4. The Complainant thereafter, filed a Complaint Case No. 57546/2016 under Protection of Women from Domestic Violence Act, 2005 (*hereinafter referred to as 'D.V. Act'*) on identical accusations. However, after receiving the Report under Section 9(B) D.V. Act, the names of Smt. Jagriti Minhas, sister of the Petitioner No. 1 and that of her husband/Petitioner No. 3, namely, Mr. Chiranjeev Minhas, were deleted. On 26.07.2016, this Order



had attained finality as no Appeal was filed against the Order of deletion of their names.

5. Thereafter, on account of the incompatibility and in the light of the conduct of the Complainant, Mr. Pratap Chand Chauhan, the father of Mr. Pankaj Chauhan, filed a Complaint dated 26.05.2015 against the Respondent No. 2 before SHO, Police Station New Ashok Nagar. As a counter-blast, the Complainant filed a Complaint dated 03.06.2015 in CAW Cell, Delhi, against the aforementioned Petitioners. It ultimately resulted in registration of FIR No. 1519/2015 under Section 354/376/511/498A/406/34 IPC on 11.11.2015 Police Station New Ashok Nagar. Eventually, the Charge-Sheet was filed before the learned Metropolitan Magistrate on 29.11.2019.

6. The Charges under Section 498A/34 IPC were framed against all the Petitioners while Mr. Pankaj Chauhan, the Petitioner No. 1 was also charged under Section 406 IPC. The Petitioner No. 3, Mr. Chiranjeev Minhas was charged under Section 354 IPC while Mr. Pratap Chand Chauhan was charged under Section 354/376/511 IPC.

7. *Aggrieved by the said Order on Charge, the aforesaid two Petitions have been filed.*

8. The **grounds on which the Order is challenged** is that the allegations of dowry demand and harassment are vague with no specific details, as had been observed by the learned Metropolitan Magistrate while granting Anticipatory Bail on 23.01.2016 to Mr. Chiranjeev Minhas. Likewise, while granting Anticipatory Bail on 09.03.2016 to Mr. Pratap Chand Chauhan, it was observed that he was employed as a Senior Branch Mangar, Federal Bank, Mayur Vihar and the allegations of attempt to rape and outraging the



modesty need detailed investigation as they appeared to be exaggerated and afterthought and probably made to settle the scores.

9. It is, therefore, submitted that vague averments of dowry demands have been made and no Charge under Section 498A/34 IPC was *prima facie* disclosed against any of the Petitioners.

10. The Petitioner has further asserted that Smt. Anju, wife of Mr. Rohit Rana, cousin of the Petitioner No. 1, had been undergoing infertility treatment at Ganesh Hospital, Ghaziabad since 16.03.2015. On 31.03.2015 at about at 08:04 p.m., his sister Ms. Jagriti Minhas sent him a message that Mr. Rohit Rana and his wife were coming to reside in their house for check-up on 01.04.2015 and would reside till 03.04.2015. Smt. Jagriti Minhas has been residing elsewhere and not in the matrimonial home despite which her name has been introduced in the Complaint. It is asserted that the presence of Smt. Anju has been admitted by the Respondent No. 2, in her counter-statement filed in the Divorce Petition, subsequently. It is also corroborated by the medical treatment record of Smt. Anju, copy of which has been annexed with the Petition.

11. It is asserted that during this period, no untoward incident happened as is evident from an e-mail dated 01.04.2015 sent by the Respondent No. 2 to the Petitioner's employer at 10:00 p.m. to expedite her pending visa request. Furthermore, she was also sending WhatsApp messages to the Petitioner No. 1.

12. It is further asserted that after residing with Ms. Anju and the family, the Respondent No. 2 left the matrimonial home on 04.04.2015 and went to her parental home. It is claimed that the alleged incident of 01.04.2015



wherein allegations of attempted rape have been made against Mr. Pratap Chand Chauhan, father-in-law, is patently false as there was not mention about it in the subsequent communications which had taken place between Petitioner No. 1 and Respondent No. 2. There is not an iota of whisper of any of these incidents, which emerges for the first time after 62 days, in the Complaint dated 03.06.2015 filed by the Respondent No. 2, before the ACP, CAW Cell, Patparganj. Moreover, the incident as alleged, is highly improbable for the simple reason that at the relevant time, other family members and relatives were present in the house.

13. It is further asserted that the allegations of molestation against the Respondent No. 3, are also vague and do not contain any specific dates. Only generalised accusations have been made, which are clearly not tenable.

14. It is further contended that the Respondent No. 2 is an educated lady, who was gainfully employed. It is against the rational conduct of an educated woman to have continued to reside in the matrimonial home after the alleged assault till 04.04.2015 and that too, without bringing it to the notice of anyone.

15. Further, on 12.04.2015 and 19.04.2015 while the parents of the Petitioner No. 1, were alone at their residence, Respondent No. 2 along with 7-8 persons created a commotion and took away all her clothes and jewellery and left threatening them with dire consequences. The Petitioner No. 1 advised his father not to make an issue hoping that things would get settled once his wife/Respondent No. 2 joined him in Japan.

16. It is submitted that these allegations of alleged attempt to rape, have been made as a counter-blast to the Complaint dated 26.05.2015 made by



Mr. Pratap Chand Chauhan against Respondent No. 2, to SHO, New Ashok Nagar. Complaint in CAW Cell on 03.06.2015 containing false allegations, is only a counter-blast to the Complaint filed by the father-in-law. Furthermore, the Statement of the Respondent No. 2 recorded by the learned Metropolitan Magistrate under Section 164 CrPC, suffers from irreconcilable inconsistencies as to the date of occurrence, manner of assault and in particular about not mentioning about the presence of other guests in the house aside from the parents-in-law. In her Statement under Section 161 CrPC, the Respondent No. 2 had stated that the alleged incident happened on 04.04.2015. The discrepancies in the date further corroborate the falsity of her allegations against Mr. Pratap Chand Chauhan.

17. It is further submitted that the allegations against the mother-in-law made in the Complaint, had been dropped by the Investigating Officer, on the basis of the investigations, even though the allegations against her was that she had advised the Complainant not to disclose the alleged offence of sexual assault by her husband, Mr. Pratap Chand Chauhan. For the same reason, Petitioner Nos. 2 and 3 should have been dropped as there was no cogent evidence against them as well.

18. It is further asserted that all the *stridhan* articles were returned in full and final settlement and the Complaint under D.V. Act, was withdrawn.

19. The Charges under Section 498A IPC has been levied against the Petitioner No. 1, even though he stayed in India during the entire period barely for two weeks since his marriage. The Charges thus, framed against the Petitioners, are liable to be set-aside.

20. Reliance has been placed on Lezbeth vs. State of U.P., 2019(2) SCC



432 and Sangeeta Agarwal vs. State of U.P., 2019(2) SCC 336.

21. Reliance has also been placed on Luv Sharma & Ors. vs. State & Anr., CRL.M.C. 1603/2021 decided on 19.01.2022 wherein the Co-ordinate Bench of this court observed that in the cases that arise out of a matrimonial dispute, there is an increasing tendency of filing such complaints for an offence under Section 376 IPC against the father-in-law, brother-in-law or any other male member of the family of the husband just to exert pressure on the family of the husband. The Court quashed the FIR under Sections 376, 377, 354, 506, 509, 34 IPC in view of the settlement arrived at between the parties considering that matrimonial disputes had been settled before the Mediation & Conciliation Centre.

22. The Petitioners have also relied upon Rajendera Bhagat vs. State of Jharkhand & Anr., Criminal Appeal No.2/2022 decided on 03.01.2022; Sharif Ahmed & Anr. vs. State of UP & Anr., 2024 INSC 363; and Rinku Baheti vs. Sandesh Sharda, Transfer Petition (Civil) No.278/2023 decided on 19.12.2024.

23. It is, therefore, submitted that the Order on Charge dated 29.01.2019 against the Petitioners in the aforementioned two Petitions, are liable to be quashed.

24. The **Status Report** had been filed on behalf of the State detailing the investigations carried out and the Charge-Sheet had been filed in the Court.

25. It was **argued on behalf of the Respondent No. 2** that the learned Metropolitan Magistrate *vide* impugned Order on Charge, has rightly relied upon the *prima facie* evidence in the Complaint. Though there were endeavours made to settle the disputes between the parties, and the divorce



was also taken by *mutual consent*, but there were specific allegations against all the Petitioners, which can be adjudicated only after recording of the evidence.

26. The assertions made by the Petitioners, are pre-mature and the Charges have been rightly framed against the Petitioners. Thus, the Petition is liable to be dismissed.

27. **Submissions heard and the record perused.**

28. The facts which emerge from the Complaint of the Respondent No. 2, is that the father of the Complainant and her father-in-law i.e. Mr. Pratap Chand Chauhan, were employed as Managers in Bank and were known to each other. The marriage between the Petitioner No. 1 and the Respondent No. 2 got formalised on 25.09.2014. The Petitioner No. 1 was working in the multinational Company as Lakshya Digital Pvt. Ltd. in Gurgaon and was deputed in Japan for the Company project. It was agreed that after marriage, Respondent No. 2 would join him in Japan. Some e-mails had been written by the Respondent No. 2 to the employer of the Petitioner, to expedite her *visa* process so as to enable her to join Petitioner No. 1 in Japan.

29. The allegations made in the Complaint are that after the engagement of the parties, the mother-in-law and sister-in-law started exploiting Respondent No. 2 and her family, by demanding cash and expensive gifts and dowry as per the status and earnings of the bridegroom. Her father spent Rs.40,00,000/- in the marriage. After returning from the Honeymoon, the in-laws started making a demand of MIG flat in Delhi. Furthermore, all her *stridhan* including jewellery, dowry articles had been taken by them in the custody. She further asserted that she was abused, assaulted, harassed and



taunted for not bringing sufficient dowry and that her husband was not allowed to join her till he left for Japan, after five days.

30. She had further stated in her Complaint that when she told about her suffering and torture to her husband, he caught her by her hair and slapped her several times. He also told her that his parents have brought her in their house and she would have to live according to their wish and desire.

31. First and foremost fact which emerges is that the Complainant/Respondent No. 2 had left the matrimonial home on 04.04.2015. Thereafter, Mr. Pratap Chand Chauhan, her father-in-law had made a Police Complaint on 26.05.2015 alleging that she along with 7-8 persons had come to their house on 12.04.2015 as well as on 19.04.2015 and had created commotion and taken away all the clothes and jewellery and left threatening them with dire consequences.

32. The Complaint dated 03.06.2015 in the CAW Cell has been a consequence of the Police Complaint made by Mr. Pratap Chand Chauhan, the father-in-law.

33. ***The moot question is whether the allegations made in the Complaint of Respondent No. 2 constitute an offence under Section 498A IPC.***

“Section 482. 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.”

34. In the Complaint, there are vague and general allegations made of a demand of MIG Flat and she being harassed for not having brought sufficient dowry. Pertinently, no date or specifics have been made. The allegations of dowry demands are blatantly vague and unclear. Though, it is claimed that an MIG Flat was demanded but there are no specific dates mentioned therein. It cannot be overlooked that she had stayed in the matrimonial home till 04.04.2015 i.e. for barely six months and the Petitioner No. 1 had barely stayed on two occasions for about 15 days in all in the matrimonial home while for the entire time, he was in Japan.

35. The Apex Court in Digambar and Another vs. The State of Maharashtra and Another, 2024 INSC 1019 observed that the ingredients for an offence to be made out under Section 498A are that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or to lead such conduct on the would cause grave injury and danger to life, limb or health. The second part of this Section refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives.

36. In the case of Dara Lakshmi Narayana and Others vs. State of Telangana and Another, 2024 SCC OnLine SC 3682, the Apex 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.*

37. In Jayedeeptsinh Pravinsinh Chavda and Others vs. State of Gujarat, 2024 SCC OnLine SC 3679, the Apex Court again while considering the guilt of the husband under Section 498A observed that cruelty simplicitor is not enough to constitute the offence under Section 498A; 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.

38. A reference was made to the aforementioned judgments in the case of Digambar, (supra) 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.*

39. In the present case as well, even if the entire averments made in the Complaint, are accepted then too there are no specific allegations of dowry harassment and torture or of cruelty of the kind which could have driven her to cause harm to herself, which would disclose a *prima facie* case under Section 498A/34 IPC against all the Petitioners. Rather, what emerges is that



she had filed this Complaint is a retaliation to the Complaint dated 26.05.2015 filed by the father-in-law.

40. **There is no *prima facie* case made out under Section 498A/34 IPC and all the Petitioners are entitled to be discharged under the said Sections.**

41. ***The Charges have also been framed under Section 406 IPC, for breach of Trust in not returning the Dowry articles, against the Petitioner No.1.***

42. Pertinently, Charges under Section 406 IPC have also been framed against the Accused, Mr. Pankaj Chauhan, husband. However as already mentioned above, he had left the matrimonial home within five days. Though, there are no details of the alleged dowry articles but even if some dowry articles were given, they remained in the matrimonial home and it cannot be said that there was any entrustment of dowry articles to Petitioner No. 1, especially in the absence of any such averments in the Complaint. It can also not be said that the articles were entrusted to the Petitioner Nos. 2 and 3, who are the married sister and her husband. The alleged dowry articles remained in the matrimonial home. There is neither any detail of the dowry articles nor is there a whisper about her having claimed back her dowry articles.

43. Pertinently, during the pendency of the matrimonial disputes, the parties arrived at a Settlement dated 28.11.2018, which was recorded in Counselling Cell, Family Court, Karkardooma Courts. Also thereto, the parties in HMA No. 1185/2019 for divorce by mutual consent, their statements were recorded by the Judge Family Court on 03.09.2019. *The*



Respondent No. 2 admitted to have settled all her disputes and also having received the jewellery. Furthermore, in compliance of the terms of the Settlement, she withdrew her Complaint under Section 12 D.V. Act, which was accordingly disposed of. Significantly, the matrimonial disputes came to be settled vide Settlement Agreement dated 28.11.2018.

44. Neither is there any element of entrustment nor any misappropriation made out from the averments made in the Complaint. No *prima facie* case under Section 406 IPC is made out against Petitioner No. 1, Mr. Pankaj Chauhan, who is entitled to be discharged under Section 406 IPC.

45. ***The allegations have also been made in the Complaint of the offence under Section 354 against Petitioner No. 3, Mr. Chiranjeev Minhas and Sh. Pratap Chand Chauhan and also under Section 376/511 IPC against the father-in-law, Sh. Pratap Chand Chauhan .***

46. According to the Respondent No.2/Complainant, Mr. Chiranjeev Minhas was working in Philips, Baddi, Himachal Pradesh and used to visit Delhi, once in 15-20 days for his office work. During his official visits, he mostly stayed in the matrimonial home. During his stay, *he touched her here and there in one or two incidents*. She thought it to be a mistake or by chance but he during his regular visit, he kept on touching her with bad intention and also started vulgar and cheap talk with her. She complained about his conduct to the sister-in-law during her visit in December, after which he never tried to attempt to behave in this manner.

47. In the recent case of Naresh Aneja vs. State of U.P., (2025) 2 SCC 604, the Apex Court observed that a bare perusal of Section 354 IPC reveals that for it to apply, the offence must be committed against a woman;



criminal force must be applied against her; and such application of force must be with the intent to outrage her modesty. It is well-settled that for *mens rea* to be established, something better than vague statements must be produced before the court.

48. There is a general assertion that the Petitioner No. 3 used to touch her with inappropriate intention as and when he visited the matrimonial home. Again, this is nothing but a generalised accusation with there being no specifics. It is apparent that such assertions have been prompted only on account of the matrimonial discord in so much as she was not able to join the Petitioner at Japan where he was working at that time.

49. In the case of State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335, the Apex Court has laid down guidelines while exercising the inherent powers under Section 482 Cr.P.C. The categories of cases where this discretion of quashing the FIR may be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, included:

*“1. Where the allegations made in the First Information Report or the Complaint, **even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence** or make out a case against the accused.*

...

*(5) Where the allegations made in the FIR or Complaint are **so absurd and inherently improbable** on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

...

*(7) Where a criminal proceeding is **manifestly attended with malafide** and/or where the proceeding is maliciously instituted with an ulterior motive for **wreaking vengeance on the accused** and with a view **to spite him due to private and personal grudge.**”*

50. In the present case, looking at the totality of circumstances as have



already been highlighted, it is evident that the allegations against the Petitioner No. 3 are motivated and prompted on account of the matrimonial disputes. ***No prima facie case under Section 354 IPC is made out against the Petitioner No. 3, Mr. Chiranjeev Minhas and he is entitled to be discharged.***

51. Similar allegations of attempted Rape under **Section 376/511 IPC** have been made against Mr. Pratap Chand Chauhan that in the night of 01.04.2015 while she was fast asleep in her room in her matrimonial home, she found father-in-law over her trying to insert the finger in her genitals after undressing her lower. Feeling pain, she woke up and tried to throw him away but he overpowered her and attempted rape on her. She started shouting after that he got scared and fled from the room. Hearing the noise, mother-in-law came inside and tried to console her that he was in a drunk state and assured that it would not happen again. She requested the Complainant to remain quiet for the sake of the family, as well as, the marriage. She, therefore, quietly fled from her matrimonial home on 04.04.2015. She tried to bring this fact to the notice of her husband through e-mail tactically, but instead of taking notice of it, her husband started levelling false allegations on her.

52. She had stated in her Complaint that he was 'over' her, but in her Statement under Section 164 Cr.P.C., she stated that her father-in-law had slept 'beside her' in the *Rajai* while she was sleeping in the bedroom. He had removed her lower and inserted his finger. When she felt the pain, she screamed and fell down with *Rajai*.

53. It is quite evident that there are inherent contradictions in the manner



in which the alleged attempt of rape was made by Mr. Pratap Chand Chauhan, which necessarily leads to the conclusion of its falsity. Pertinently, the mother-in-law who was also present in the house, apparently tried to hush up the incident but she has been discharged of all the offences.

54. Also, if any such incident had happened, the cousin of the Petitioner No. 1, Mr. Rohit Rana and his wife, Ms. Anju, who were residing in the matrimonial home since 01.04.2015 to 03.04.2015, would also have known about this incident.

55. It is blatantly evident that such averments have been made only in order to settle the matrimonial discord. The allegations are *prima facie* shown to be *malafide*.

56. In the case of Iqbal vs. State of U.P., (2023) 8 SCC 734, the Apex Court observed that whenever an accused comes before the court challenging the FIR and seeking quashing of criminal proceedings, either under Section 482 CrPC or Article 226 of the Constitution, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances *the court owes a duty to look into the FIR with care and a little more closely*. The Apex Court emphasized that it is not sufficient to merely look at the allegations rather 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 try to read in between the lines. The Court is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.*



57. A Co-ordinate Bench of this Court in Vimlesh Agnihotri vs. State, CRL. M.C. 1524/2021 decided on 16.08.2021, observed as under:

*“.... 16. This Court is pained to note that **there is an alarming increase of false cases of rape and offences** under Section 354, 354A, 354B, 354C & 354D **only to arm twist the accused and make them succumb to the demands of the complainant.***

*18. **False claims and allegations pertaining to cases of molestation and rape need to be dealt with an iron hand due to the serious nature of the offences.** Such litigations are instituted by the unscrupulous litigants in the hope that the other party will capitulate to their demands out of fear or shame. ...”*

58. Pertinently, in the present case, it has also been pointed out on behalf of the Petitioners that the falsity of the incident also emerges from the variation in stating the day. While in a Statement under Section 164 CrPC, she had been claiming the incident had happened in the night of 01.04.2015, but in her subsequent Statement under Section 161 Cr.P.C. recorded on 17.12.2015, she claimed the incident to have taken place on 04.04.2015 when in fact as per her own Statement, she had left the matrimonial home quietly in the morning of 04.04.2015.

59. ***There is no prima facie case made out under Section 376/511/354 IPC against the Petitioner, Sh. Pratap Chand Chauhan.***

60. Before concluding, it is apposite to refer to the Apex Court case of Rinku Baheti, (supra) wherein it was observed that in recent times, the invocation of Sections 498A, 376, 377, 506 IPC as a *combined package* in most of the complaints related to matrimonial disputes is a practice which has been condemned by this Court on several occasions. In such cases, it is not only the parties, who are fuelled by their emotions and are involved in



this abuse of the process of law, but other stakeholders also encourage the women to adopt such arm-twisting tactics for their ulterior motives. Further, the police are also sometimes quick to jump into action in selective cases and arrest the husband or even their relatives including aged and bedridden parents and grand-parents of the husband.

61. In the light of the aforesaid discussion, it is hereby concluded that no *prima facie* case against any of the Petitioners under Section 498A/406/354/376/511 IPC is made out. The Petitioners are hereby discharged and the FIR No. 1519/2015 dated 11.11.2015 under Section 498A/406/34/354/511/109/376 of IPC registered at Police Station New Ashok Nagar, is quashed.

62. The Petitions are disposed of accordingly, along with the pending Application(s).

(NEENA BANSAL KRISHNA)
JUDGE

MAY 09, 2025/RS