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

+ **CRL.M.C. 5362/2025 & CRL.M.A. 23099/2025,**
CRL.M.A. 23100/2025

AYUSHI GOEL

.....Petitioner

Through: Mr. Abhay Mani Tripathi,
Mr. Suryansh Agarwal,
Ms. Monika Tiwari & Mr.
Ravi Shankar, Advs.

versus

STATE OF N.C.T. OF DELHI & ANR. & ORS.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Dinesh Tyagi, PS Preet
Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **07.08.2025**

1. The petitioner seeks quashing of FIR No.295 /2020 dated 22.12.2020, registered under Section 498A/406/34 of the Indian Penal Code, 1860 ('IPC') at Police Station Preet Vihar, *qua* herself, on the ground that the allegations against her, do not constitute the offence. Chargesheet has been filed in the present case.

2. The FIR was registered on a complaint given by Respondent No. 2, to the Crimes against Women Cell, on 11.03.2020, alleging cruelty, demand for dowry and criminal assault by her husband and his family members, including the petitioner. Respondent No. 2, at the relevant time, was married to the brother of the petitioner. It is alleged that Respondent No. 2 was being humiliated, harassed and tortured in relation with the dowry demands made by her in-laws, and was also forced to



undergo an abortion.

3. The learned counsel for the petitioner submits that the petitioner has been unnecessarily implicated in the present case. He submits that no allegation has been made against the petitioner corresponding to the Sections invoked against her.

4. He submits that after the marriage of Respondent No. 2 and the brother of the petitioner on 30.11.2019, whereafter they had gone for their honeymoon. Meanwhile, Respondent No. 2's father passed away on 11.12.2019. It is submitted that after her father's demise, Respondent No. 2 informed her husband that she only married him under societal pressure and lacked courage to go against the wishes of her father, who was suffering from various ailments at the time.

5. It is submitted that Respondent No. 2 being pregnant, wanted to get an abortion, however the displeasure expressed by the brother of the petitioner resulted in tensions being created in the matrimonial home of Respondent No. 2. It is stated that for this reason, on 22.02.2020, Respondent No. 2 left her matrimonial house and took all her jewellery and other valuables along with her.

6. It is stated that on 05.03.2020, Respondent No. 2 again visited her matrimonial house where she called the police on the false pretext that her in-laws were quarrelling with her and not allowing her to enter their house. It is stated that Respondent No. 2 remained in the matrimonial house till 11.03.2020, whereafter she started staying at her parental house.

7. He submits that the allegations of demand for dowry made against the petitioner are vague and no specific date or incident



of such harassment has been mentioned by Respondent No. 2.

8. He submits that no complaint was made by Respondent No. 2 against the family of the petitioner, prior to 05.03.2020 as she did not live in her matrimonial house since 22.01.2020.

9. He submits that the Investigating Officer did not take into account the submissions made by the family of the petitioner and in the chargesheet, he only reproduced the averments made in the complaint.

10. He further submits that the petitioner is a young unmarried woman with no involvement in the matrimonial life of her brother and that Respondent No. 2 has dragged her name in the complaint, without any specific allegations to justify the invocation of Section 498A of the IPC, in order to exert pressure on her husband to yield to her irrational demands.

11. *Per contra*, the learned Additional Public Prosecutor ('APP') for the State vehemently opposes the grant of any relief to the applicant. He submits that Respondent No.2 has made categorical allegations against the petitioner and there is no cause for quashing of the present FIR.

12. It is relevant to note that the petitioner has invoked the inherent jurisdiction of this Court seeking quashing of the present FIR. While this Court needs to exercise restraint in stifling prosecution, however, the inherent jurisdiction can be exercised if it is found that the continuance of criminal proceedings would be a clear abuse of process of law. The Hon'ble Apex Court, in the case of ***State of Haryana v. Bhajan Lal : 1992 Supp (1) SCC 335***, had illustrated certain categories of cases where the inherent jurisdiction can be exercised to prevent abuse of process



of law and secure the ends of justice. The relevant portion of the judgment is reproduced hereunder:

“102...(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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

2 (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(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.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide 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.”

(emphasis supplied)

13. It is true that in case it is found that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance, this Court ought to look into the FIR with care and little more closely. The High Court can look into the attending circumstances emerging from the record of the case and can read between the lines. If the



allegations are far-fetched and it appears that the provisions of Section 498A of the IPC are misused, the Court can interfere while exercising powers under Section 482 of the CrPC. [Ref. ***Mahmood Ali & Ors. v. State of U.P & Ors. : 2023 SCC OnLine SC 950***; ***Abhishek v. State of Madhya Pradesh : 2023 SCC OnLine SC 1083*** and ***Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors. : (2022) 6 SCC 599***]

14. In the present case, it is the case of the prosecution that Respondent No.2 was subjected to taunts and harassment on account of unmet dowry demands. It is alleged that she was physically assaulted and financially exploited by the petitioner and her family members on numerous occasions. Her *istridhan* is stated to have not been returned to her.

15. To quash a FIR, the complaint must be considered in its entirety, without delving into the merits of the allegations. At this stage, neither a detailed inquiry nor a thorough evaluation of the material on record, nor any assessment regarding the truthfulness or credibility of the allegations, is warranted while considering the prayer for quashing the complaint.

16. For this purpose, it is necessary to analyse the allegations made in the present FIR against the petitioner. In her complaint dated 11.03.2020, the complainant has made specific allegations against the petitioner. She has alleged that in November, 2019, when she gave a dress worth Rs. 18,000/- to the petitioner, during the Sagan ceremony, the petitioner refused to accept the same and demanded Rs.40,000/- in lieu of the same. She alleged that the petitioner was angry at her for not having fulfilled their family's demand to gift them a new Honda Amaze



Car. It has been alleged that the petitioner, along with her mother, persistently spoke ill of the family of the complainant and further instructed her husband to refrain from smiling throughout the function so as to create an impression of disappointment. It is alleged that during the Joota chupai rasam, the petitioner stopped her husband from participating in the wedding. It is further alleged that on one occasion, the petitioner grabbed the complainant and pushed her on the floor when she was angry about the unmet dowry demands. She has alleged that the petitioner pulled her hair and slapped her in front of her husband.

17. The complainant alleged that the petitioner is unmarried and usually resides in the matrimonial home. She alleged that the petitioner would often instigate her husband against her and would interfere in their marital life.

18. It is alleged that on 05.03.2020, when she went back to her matrimonial house, the petitioner and her family members tried to kill Respondent No. 2. It is stated that the petitioner slapped her. She has alleged that pursuant to a PCR Call, she was taken to the Hospital for her MLC, however when she returned to her matrimonial house, all her jewellery, *istridhan*, cash and other valuables were missing, and had been taken away by the petitioner and her mother.

19. It is trite law that a complaint is not required to set out verbatim the statutory ingredients of the offence alleged. So long as the complaint lays down the necessary factual foundation, the proceedings cannot be quashed merely on the ground that certain ingredients have not been stated with particular elaboration.



Quashing of the complaint is warranted only in cases where it is wholly bereft of the fundamental facts essential to constitute the alleged offence. [Ref: ***Indian Oil Corporation v. NEPC India Limited and Others : (2006) 6 SCC 736***]

20. The learned counsel for the petitioner argued that the allegations *qua* the petitioner are vague, however, contrary to the contention of the petitioner, a perusal of the record reveals that the allegations levelled against her are very specific incidents. Particulars of the alleged instances of demand for dowry or harassment have been specified in the FIR. There is gravity in the nature of allegations made against her including the incidents of physical assault on account of the non-fulfilment of the dowry demands, due to which the complainant was taken to the Hospital.

21. While the veracity of the case of Respondent No. 2 would be tested during the course of trial, however, at this stage, it cannot be said that the petitioner is being falsely implicated in the present case. The Court cannot lose sight of the fact that the trial of the present case relates to serious allegations being made by the wife in relation to the offences under Section 498A of the IPC, and therefore, the power under Section 528 of the BNSS must be exercised sparingly and with abundant caution.

22. It is submitted that after thorough investigation by the investigating agency, the petitioner was chargesheeted in the present case. The chargesheet has been filed by the Investigating Officer, along with WhatsApp chats provided by the complainant. The learned Trial Court by the order dated 23.05.2025, while directing the Investigating Officer to file a



supplementary chargesheet, also passed a direction to conduct investigation on the genuineness of the WhatsApp chats and granted him liberty to seize the relevant mobile phone to send the same to FSL. The matter is now fixed for 06.11.2025 for further proceedings.

23. As noted above, the matter is pending further investigation. At this juncture, it will be useful to refer to the observations made by the Hon'ble Apex Court in ***Satvinder Kaur v. State (Govt. of NCT of Delhi) : (1999) 8 SCC 728***. It was held as under:

“14. Further, the legal position is well settled that if an offence is disclosed the court will not normally interfere with an investigation into the case and will permit investigation into the offence alleged to be completed. If the FIR, prima facie, discloses the commission of an offence, the court does not normally stop the investigation, for, to do so would be to trench upon the lawful power of the police to investigate into cognizable offences. [State of W.B. v. Swapan Kumar Guha, (1982) 1 SCC 561 : 1982 SCC (Cri) 283] It is also settled by a long course of decisions of this Court that for the purpose of exercising its power under Section 482 CrPC to quash an FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same per se; it has no jurisdiction to examine the correctness or otherwise of the allegations. [Pratibha Rani v. Suraj Kumar, (1985) 2 SCC 370, 395 : 1985 SCC (Cri) 180]”

24. In view of the aforesaid discussions and keeping in view the facts of the case, I find no merit in the present petition. The allegations levelled against the petitioner are serious in nature and cannot be quashed at the threshold on the grounds taken by the petitioner, which can be considered at the stage of trial. *Prima facie* there is strong suspicion against the petitioner and the ongoing investigation will be taken into account during the stage of framing charges.



25. The petition is therefore dismissed. Pending application(s) stands disposed of.

AUGUST 7, 2025

AMIT MAHAJAN, J