

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.184 of 2014

Arising Out of PS. Case No.-101 Year-2006 Thana- BOCHAHAN District- Muzaffarpur

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1. Bhupendra Kumar Mishra @ Bhupendra Mishra @ Bhup Narayan Mishra @ Ram Janam Mishra, Son of Late Durga Mishra
 2. Sujeet Kumar Mishra @ Bibhu Son of Bhupendra Kumar
 3. Sudha Devi wife of Sujeet Kumar Mishra @ Bibhu All resident of village- Lohasari, P.S. Bochahan, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Kumari @ Minki, wife of Sunit Kumar @ Mohan, resident of village - Lohsari, P.S.-Bochahan, District – Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hari Kishore Thakur, Advocate. Mr. Aditya Dev, Advocate.
For the State	:	Mr. Abhay Kumar, APP.
For Respondent No.2	:	Dr. Alok Kumar Alok, Advocate. Mr. Vivek Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 15-04-2026

Heard Mr. Hari Kishore Thakur, learned counsel along with Mr. Aditya Dev, learned counsel appearing on behalf of the appellants, Mr. Abhay Kumar, learned APP for the State and Dr. Alok Kumar Alok, learned counsel along with Mr. Vivek Kumar Pandey, learned counsel for the respondent no.2.

2. The above criminal appeal has been preferred against the judgment of conviction dated 03.04.2014 and order of sentence dated 04.04.2014 passed in Sessions Trial No. 559/2008, arising out of Complaint Case No. 1512 of 2006 by



learned 3rd Additional Sessions Judge, Muzaffarpur, whereby the learned trial court convicted the appellants under Sections 498A, 307 and 379 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act and further convicted the appellant no.1 under Section 376/511 of the Indian Penal Code. All the appellants were sentenced to undergo imprisonment of three years each and a fine of Rs. 2000/- each under Section 498A of the Indian Penal Code; to undergo imprisonment of five years each and fine of Rs. 2000/- each under Section 307 of the Indian Penal Code; to undergo imprisonment of one year each under Section 379 of the Indian Penal Code; to undergo imprisonment of five years each and fine of Rs.15,000/- each under Section 3 of the Dowry Prohibition Act; to undergo imprisonment of six months each and fine of Rs.1,000/- each under Section 4 of the Dowry Prohibition Act; appellant no.1 was further sentenced to undergo imprisonment of five years and fine of Rs. 3000/- under Section 376/511 of the Indian Penal Code. In default of payment of fine, all the appellants shall undergo imprisonment of one year and all the sentences will run concurrently.

FACTS OF THE CASE

3. The prosecution case, in brief, is that the informant, Sharda Kumari @ Minki, filed Complaint Case No. 1512/2006 before the learned Chief Judicial Magistrate, Muzaffarpur,



which was forwarded under Section 156(3) Cr.P.C., leading to registration of the F.I.R. It is alleged that the informant was married to accused no. 1 on 12.06.2006 at Santoshi Mata Temple, wherein her family provided cash of Rs. 1,00,000/-, additional expenses for the marriage, and ornaments and articles worth approximately Rs. 1,55,000/-. Soon after the marriage, the accused persons allegedly demanded an additional dowry of Rs. 1,00,000/-, a Hero Honda motorcycle, and a colour television, threatening that non-fulfillment would result in her death. It is further alleged that the informant was subjected to continuous physical and mental cruelty, and on one occasion, accused no. 2 allegedly attempted to commit rape upon her, assaulted her, and, along with others, tried to kill her by strangulation when she raised alarm; however, intervention by villagers forced the accused to flee. Subsequently, on 18.07.2006, the informant was allegedly ousted from her matrimonial home after being dispossessed of her belongings, and no effort was made by the accused persons to take her back, compelling her to seek legal recourse.

4. The learned Magistrate sent the complaint petition to the P.S. Bochahan for investigation under Section 156(3) Cr.P.C. Thereafter, Bochahan P.S. Case No. 101/2026 was registered



under Sections 498A, 307 and 379 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the appellants. After investigation, charge-sheet was submitted and upon trial in Sessions Trial No.559/2008, the learned trial court convicted the appellants under Sections 498A, 307 and 379 of the IPC and Sections 3/4 of the Dowry Prohibition Act and further convicted the appellant no.1 under Section 376/511 of the IPC vide judgment of conviction dated 03.04.2014 and order of sentence dated 04.04.2014.

ARGUMENT ON BEHALF OF APPELLANTS

5. Learned counsel appearing on behalf of the appellants submitted that the impugned judgment of conviction is wholly erroneous, being based on unreliable and contradictory evidence. It is contended that the prosecution story is inherently improbable, as the marriage was admittedly solemnized in a temple with full knowledge that the husband was already married, and therefore the allegation of huge dowry demand is not believable. It is further submitted that the most serious allegations under Sections 307 and 376/511 IPC are not supported by any medical evidence, as neither any injury report has been produced nor any doctor has been examined. The prosecution witnesses are highly interested and their testimonies



suffer from material contradictions; P.W.1 being closely related and instrumental in the marriage, and other witnesses being either pattidars or hearsay witnesses, cannot be relied upon. The evidence on record is inconsistent with the version of the informant, thereby creating serious doubt about the occurrence itself.

6. Learned counsel further submitted that there is unexplained delay in lodging the complaint, which indicates that the case is an afterthought arising out of prior enmity and village politics. The allegations against appellant nos. 2 and 3 who are brother-in-law (bhaisur) and sister-in-law (gotni) of the complainant are general and omnibus in nature, despite the admitted position that they were residing separately at Mumbai and had no direct involvement in the alleged occurrence. The defence case has been probalilized that the prosecution was instituted at the instance of P.W.1 due to personal grudge. It is thus argued that the learned trial court has failed to properly appreciate the evidence and has recorded conviction on conjectures and surmises, ignoring material inconsistencies and lack of corroboration. Hence, the appellants are entitled to benefit of doubt and the judgment under appeal is liable to be set aside.



ARGUMENT ON BEHALF OF THE STATE

7. *Per Contra*, learned APP appearing for the State while opposing the appeal submitted that the learned District court, after considering all the evidences on record and exhibits submitted on behalf of the parties during the course of trial, has rightly convicted the appellants for said offences as the offences alleged against the appellants appears to be serious in nature and also constitutes cognizable offence.

ANALYSIS AND CONCLUSION

8. Heard the parties.

9. I have perused the lower court records and proceedings and also taken note of the arguments canvassed by learned counsel appearing on behalf of the parties.

10. Before I proceed to analyze the evidences in support of the allegation both oral i.e. direct evidence what the witnesses personally said, heard or perceived and the documentary evidences, both primary and secondary evidences which needs consideration to decide the appeal, I find it gainful to reproduce the provisions of Sections 498A, 307, 379, 375 and 511 of the Indian Penal Code, which are as under:-

“498A. 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 purpose 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.

375. Rape.— *A man is said to commit "rape" if he—(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or*

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions:

(First.)— Against her will.

(Secondly.) — Without her consent.

(Thirdly.) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt,

(Fourthly.) — With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly.) — With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand



the nature and consequences of that to which she gives consent.

(Sixthly.) — With or without her consent, when she is under eighteen years of age.

(Seventhly.) — When she is unable to communicate consent.

Explanation 1.— For the purposes of this section, "vagina" shall also include labia majora.

Explanation 2.— Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.— A medical procedure or intervention shall not constitute rape.

Exception 2.— Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape."

376. Punishment for rape.— (1)Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which [shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine]

307. Attempt to murder.—Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder; shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned. Attempts by life convicts.— When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death. Illustrations (a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued. A would be guilty of murder. A is liable to punishment under this



section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and if by such firing he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servant to place it on Z's table. A has committed the offence defined in this section.

379. Punishment for theft.— Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.—Whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both. Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section."



11. During the trial, the prosecution has examined altogether eight witnesses, namely:

1. P.W.1 – Lalbabu Mishra
2. P.W.2 – Sanjay Kumar Mishra
3. P.W.3 – Rakesh Mishra
4. P.W.4 – Ratnesh Prasad Singh
5. P.W.5 – Jayanandan Singh (Father of the victim)
6. P.W.6 – Sharda Kumari @ Miki
(Victim/Informant)
7. P.W.7 – Ram Shrestha Shah (Priest)
8. P.W.8 – Chandrakari Yadav (Investigating Officer)

12. The prosecution has also relied upon following documents exhibited during the course of trial:-

- (i) Ext.1 – Signature of the informant on complaint
- (ii) Ext.2 – Marriage certificate
- (iii) Ext.3 – Registered Portion on the complaint at the time of F.I.R
- (iv) Ext. 4- signature of Bhupendra Kumar Mishra

13. It would be apposite to discuss the oral/documentary evidences. The evidence of the prosecution witnesses (PWs) can be summarized as follows:

- (i) P.W.1 – Lalbabu Mishra- This witness is the



maternal uncle of the victim. He deposed that the marriage of the victim, Sharda Kumari @ Miki, with accused Sunit Kumar @ Mohan was solemnized on 16.06.2006 at Santoshi Mata Temple, Muzaffarpur. He stated that sufficient dowry in cash, ornaments, and articles was given at the time of marriage. Soon after marriage, the accused persons demanded Rs. 1,00,000, a motorcycle, and a colour television, and subjected the victim to cruelty for non-fulfillment of the demand. He further deposed that on 17.07.2006, the victim was found unconscious near a pond, and upon regaining consciousness, she disclosed that her father-in-law attempted to outrage her modesty and, on resistance, she was strangled. In cross-examination, he remained consistent and supported the prosecution case without material contradiction.

(ii) P.W.2 – Sanjay Kumar Mishra- This witness is a neighbour of the accused. He deposed that during the night of occurrence, the victim was found lying unconscious near a pond and was brought to the house. He supported the allegation that the victim was subjected to dowry demand and harassment. In cross-examination, he admitted being present nearby and reiterated the facts stated in examination-in-chief, thereby corroborating the prosecution version.



(iii) P.W.3 – (Rakesh Mishra)- This witness stated that on the night of 17.07.2006, upon hearing cries, he along with others reached the pond where the victim was lying unconscious. After sprinkling water, she regained consciousness and disclosed harassment and dowry demand by her in-laws. He fully supported the prosecution case in both examination-in-chief and cross-examination.

(iv) P.W.4 – (Ratnesh Prasad Singh)- This witness deposed regarding the marriage, dowry given, and subsequent demand of Rs.1,00,000, motorcycle, and television. He stated that when they visited the matrimonial home, the accused insisted on fulfillment of dowry demand and threatened consequences. He further stated that the victim later disclosed that her father-in-law attempted rape and strangled her when she resisted. He supported the prosecution case consistently.

(v) P.W.5 – Jayanandan Singh (Father of the Victim)-He deposed that the marriage of his daughter was solemnized at Santoshi Mata Temple. He confirmed giving dowry at the time of marriage. After marriage, the accused persons demanded additional dowry and subjected his daughter to cruelty. He further stated that his daughter informed him that her father-in-law attempted to molest her and she was



strangled when she resisted. Despite cross-examination, his testimony remained intact and consistent.

(vi) P.W.6 – Sharda Kumari @ Miki (Victim/Informant)-The victim categorically deposed that after her marriage with accused Sunit Kumar @ Mohan, she was subjected to cruelty for dowry demand of cash, motorcycle, and television. She further stated that on the night of 17.07.2006, her father-in-law entered her room with bad intention, attempted to rape her, and on her resistance, she was assaulted and strangled, causing her to lose consciousness. She regained consciousness near the pond and narrated the occurrence to villagers and her family members. She proved the complaint petition (Exhibit-10). Her testimony remained consistent on material particulars despite cross-examination.

(vii) P.W.7 – Ram Shrestha Shah -This witness proved the marriage certificate (Exhibit-2) and stated that the marriage between the victim and accused was solemnized at Santoshi Mata Temple. He identified the signatures on the certificate and thereby corroborated the factum of marriage.

(viii) P.W.8 – Chandrakari Yadav (Investigating Officer)-This witness deposed about registration of the case, investigation, inspection of place of occurrence, and recording



of statements of witnesses. He proved the formal FIR (Exhibit-3) and stated that after investigation, he found the allegations to be true and submitted charge-sheet against the accused. In cross-examination, he admitted certain omissions but nothing material to discredit the prosecution case.

14. On the basis of materials surfaced during the trial, the appellants/accused was examined under Section 313 of the Cr.PC by putting incriminating circumstances/evidences surfaced against him, which he denied and shows his complete innocence.

15. The record reveals that all family members were initially made accused, and it has been submitted by both the parties that, although certain prosecution witnesses supported the case alleging that all the family members, including the present appellants, subjected the respondent no. 2 to cruelty for non-fulfillment of a dowry demand of Rs. 1,00,000/-, the learned trial court, in the absence of cogent evidence, acquitted the husband and mother-in-law of respondent no. 2 vide judgment dated 15.06.2019 passed in Sessions Trial No. 341 of 2013. The present appellants are the father-in-law, brother-in-law (bhaisur), and sister-in-law (gotni) of respondent no. 2, and a joint compromise petition could not be filed earlier as the trial



stood bifurcated in respect of them. It has now been jointly submitted on behalf of the appellants and respondent no. 2 (informant) that the informant is presently residing peacefully in her matrimonial home, as cordial relations have been restored between her and her in-laws pursuant to the Joint Compromise Petition dated 27.05.2019. The marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred. Matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society.

16. An allegation under Section 498A IPC requires careful judicial scrutiny, as the provision while salutary in object has been subject to misuse. The analysis must, therefore, proceed on strict legal parameters, not on mere allegation keeping in mind that the appellant nos. 1, 2 and 3 are father-in-law, brother-in-law (*bhaisur*) and sister-in-law (*gotni*). The Hon'ble Supreme Court has consistently held that the matrimonial dispute is not an offence against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society, as has been held by the Apex Court in the case of ***Rajendra Bhagat v. State of Jharkhand***, reported in (2022) 18 SCC 465 in paragraph no.9 which is as under:-



“9. Taking note of the object of Section 498-AIPC, the expected approach of the High Court in the event of bona fide settlement of disputes had been duly expositied by this Court in B.S. Joshi v. State of Haryana [B.S. Joshi v. State of Haryana, (2003) 4 SCC 675 : 2003 SCC (Cri) 848] , wherein this Court has underscored the duty of the Court to encourage the genuine settlement of matrimonial disputes and said as under : (SCC pp. 682-83, paras 12-16)

“12. The special features in such matrimonial matters are evident. It becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad [G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] are very apt for determining the approach required to be kept in view in a matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this



provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Penal Code, 1860.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

16. For the foregoing reasons, we set aside the impugned judgment and allow the appeal and quash the FIR abovementioned.””

17. The matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society. However, a false case can have a disastrous consequence in absence of any criminal content. The personal dispute cannot call for a criminal offence.

18. Keeping in mind the caution that all the relatives of the husband should not be implicated in absence of credible and specific allegations substantiating their involvement, the Hon'ble Supreme Court has emphasized that mere naming of in-laws in a matrimonial dispute, without clear attribution of overt acts of cruelty or harassment, amounts to an abuse of the process of law. General and omnibus allegations, often arising out of strained marital relationships, do not satisfy the statutory requirement of "cruelty" as defined under Section 498-A IPC, and such proceedings deserve to be quashed at the threshold to



prevent unnecessary harassment of innocent family members. It has been judicially recognized that matrimonial disputes are often accompanied by heightened emotions, leading to exaggeration or over-implication of the husband's relatives. In such circumstances, courts are required to exercise caution and scrutinize whether the allegations disclose specific instances of unlawful conduct, particularly acts connected with dowry demands or conduct likely to cause grave injury or drive the woman to commit suicide. In the absence of such particulars, continuation of criminal proceedings against in-laws would result in a vexatious trial, causing irreparable harm to their reputation and dignity.

19. The evidentiary threshold in cases under Section 498-A IPC assumes greater significance where the accused are relatives other than the husband. The Apex Court has underscored that criminal liability cannot be fastened on the basis of vague, uncorroborated, or sweeping statements. There must be *prima facie* material demonstrating active involvement and a proximate nexus between the alleged acts and the offence of cruelty. Mere presence in the matrimonial home or passive conduct, without evidence of participation or instigation, is insufficient to sustain prosecution.



20. Further, it has been observed that the tendency to implicate distant or uninvolved relatives, including elderly parents or married sisters living separately, reflects misuse of the provision as a tool of coercion or personal vendetta. Such misuse not only undermines the credibility of genuine complaints but also dilutes the legislative intent behind the provision, which is to protect women from real and grave instances of cruelty and dowry harassment. Therefore, judicial intervention becomes necessary to strike a balance between safeguarding the rights of the complainant and preventing unjust prosecution of innocent persons. In cases where the allegations are found to be inherently improbable, lacking in specificity, or unsupported by any contemporaneous evidence such as medical records, independent witnesses, or consistent statements, courts have not hesitated to acquit the in-laws. It has been reiterated that a criminal trial itself is a serious ordeal, and compelling individuals to undergo such a process without sufficient grounds would be contrary to the principles of justice.

21. Accordingly, where the prosecution fails to establish specific, consistent, and credible evidence of cruelty attributable to the in-laws, and the allegations appear to be omnibus or motivated, the benefit of doubt must necessarily



enure to the accused. In such circumstances, acquittal of the in-laws is not only justified but essential to uphold the rule of law and prevent misuse of penal provisions.

22. The Apex Court for the above reasons that the family members of the husband ought not to be unnecessarily roped into criminal proceedings, in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25, 31 and 32 has held as under:-

*“25. This Court, in **Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735**, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband’s family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.*

(emphasis supplied)

31. We also refer to **Gian Singh vs. State of Punjab, (2012) 10 SCC 303** wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end



and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

(emphasis supplied)

*32. In **Naushey Ali vs. State of U.P.**, (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.*

(emphasis supplied)

23. Now coming to the most grave allegation, the charge of attempted rape coupled with strangulation against Appellant No. 1 (father-in-law) does withstand judicial scrutiny in light of the oral evidences on record. The P.W.6 has alleged that she was strangled to the extent of losing consciousness and was subsequently found near a pond but significantly no medical examination was conducted to substantiate such a serious allegation. The record is conspicuously devoid of any medical report, injury certificate, or doctor's testimony indicating marks of violence, particularly on the neck, which



would ordinarily be expected in a case of alleged strangulation. The absence of such crucial medical evidence creates a serious dent in the prosecution case.

24. To sustain a charge under Section 376 IPC, the Hon'ble Supreme Court in *Aman Kumar & Anr. v. State of Haryana, (2004) 4 SCC 379*, held that, to constitute an attempt to commit rape, there must be an act clearly indicating the intention to commit rape; mere assault or indecent behaviour is insufficient. In the present case, from the statement of the informant (victim) herself, particularly in her cross-examination, no such act or direct movement indicating an attempt to commit rape has been supported.

25. In the case of *Sadashiv Ramrao Hadbe v. State of Maharashtra*, reported in *(2006) 10 SCC 92*, the Hon'ble Supreme Court held that when the version of the prosecutrix is not of sterling quality and is inconsistent with the medical evidence, and when the surrounding circumstances render the prosecution story doubtful, the accused is entitled to the benefit of doubt. The Apex Court further held that conviction cannot be sustained where the prosecution has failed to prove its case beyond reasonable doubt.

26. Further, the testimonies of P.W.2 and P.W.3,



projected as independent witnesses, do not inspire full confidence in the absence of corroborative material. Though they have stated that the victim was found unconscious near a pond, the Investigating Officer (P.W.8) has admitted to material omissions during cross-examination, thereby weakening the prosecution's attempt to establish a consistent and reliable chain of circumstances linking the alleged occurrence with the accused. These omissions assume significance, particularly when the prosecution seeks to rely on circumstantial corroboration.

27. The evidence of P.W.1, P.W.4, and P.W.5, being related and interested witnesses, requires careful scrutiny. When their testimonies are evaluated in the backdrop of the absence of any objective medical evidence and the procedural lapses in investigation, the prosecution version, insofar as it relates to the allegation of attempted rape and strangulation, appears to fall short of the standard of proof required in criminal law. The case, at best, raises a suspicion, but it is well settled that suspicion, however strong, cannot take the place of proof.

28. This Court is of the considered opinion that the prosecution has failed to bridge the gap between "may be true" and "must be true" with respect to the allegations against



Appellant no. 1. The benefit of doubt, therefore, must necessarily enure in favour of the Appellant No. 1 (father-in-law), entitling him to acquittal on this count.

29. Applying the aforesaid legal principles to the facts of the present case and in light of the settled principle of law and material inconsistencies that cannot be safely relied upon, I am of the view that the prosecution has failed to establish the charges. The appellants, being the father-in-law, brother-in-law (*bhaisur*) and sister-in-law (*gotni*) of the informant, have been implicated on the basis of general and omnibus allegations without specific attribution of distinct overt acts, except vague assertions regarding demand of dowry and participation in alleged cruelty, which are not supported by reliable and independent corroboration; such tendency to rope in all family members in matrimonial disputes, in absence of specific and cogent evidence, renders the prosecution case doubtful insofar as offences under Sections 498A, 307, 379 IPC and Sections 3/4 of the Dowry Prohibition Act are concerned. Further, with respect to the allegation of attempt to rape, the prosecution has failed to establish the same by trustworthy and convincing evidence, as the testimony of P.W.1 (informant/victim), though material, does not inspire full



confidence. There is no evidence of injuries or circumstances clearly establishing an attempt within the meaning of Section 376/511 IPC, thereby creating serious doubt regarding the veracity of such allegation. It is also evident that key prosecution witnesses have either not fully supported the case or have given inconsistent versions, thereby weakening the prosecution story, and the cumulative effect of these deficiencies makes the case unreliable. In view of these material omissions and the amicable settlement subsequently reached between the parties to restore matrimonial harmony, the prosecution has failed to bridge the gap between "may be true" and "must be true." Consequently, the appellants are entitled to the benefit of doubt and the conviction of the appellants cannot be sustained. including the allegation of attempt to rape on appellant no.1(father-in-law) based on the testimony of P.W.1, all the appellants are entitled to the benefit of doubt.

30. Accordingly, the present appeal is allowed.

31. The impugned judgment of conviction dated 03.04.2014 and order of sentence dated 04.04.2014, is hereby quashed and set aside. Consequently, the above-named appellants/accused are acquitted from all the charges levelled against them. Since the appellants are on bail, as such, they are



discharged from the liability of their bail bonds. The fine deposited by the appellants, if any, shall be refunded to them.

32. Office is directed to send back the lower court records along with a copy of the judgment to the learned District Court forthwith.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.04.2026
Transmission Date	20.04.2026

