HC-KAR
NC: 2026:KHC:63426
WP No. 28961 of 2015
CNR: KAHC010041452015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 28961 OF 2015 (GM-RES)

BETWEEN:

H. MANJUNATH
S/O SRI. K. HANUMANTHAPPA,
AGE 38 YEARS,
NO. 3, PRIYADARSHINI NURSERY
GOTTEGERE POST, B.G. ROAD,
BANGALORE SOUTH - 560 083.

...PETITIONER

(BY SRI. H. MANJUNATH, PARTY-IN-PERSON)

AND:

1. THE STATE OF KARNATAKA
BY: BANNERGHATTA P.S,
REPRESENTED BY SPP,
HIGH COURT BUILDINGS,
BANGALORE - 560 001.

2. SMT. CHANDANA MANJUNATH
W/O H. MANJUNATH
AGE:30 YEARS,
R/A: NO. 94, 4TH CROSS, BCC LAYOUT,
VIJAYANAGARA IIND STAGE,
BANGALORE - 560 040.

...RESPONDENTS

(BY SRI. S. VINAYAK, ADVOCATE FOR
SMT. A. LALITHA, ADVOCATE FOR R2;
SMT. WAHEEDA M.M, HCGP FOR R1)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010041452015

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SRC. 482 PF THE CR.PC PRAYING TO CALL FOR THE RECORDS IN C.C.NO.1854/2010 PENDING BEFORE THE HON'BLE CHIEF JUDICIAL MAGISTRATE, BANGALORE RURAL AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.H.Manjunath, party-in-person, Smt.Waheeda M. M., learned High Court Government Pleader for respondent No.1/State and Sri.Vinayak, learned counsel appearing on behalf of Smt.A.Lalitha, learned counsel for the respondent No.2.

2. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayers:

> *"WHEREFORE, the Petitioner prays that this Hon'ble Court be pleased to:*
>
> *(a) Call for the records in C.C.No.1854 / 2010 pending before the Hon'ble Chief Judicial Magistrate, Bangalore Rural;*

(b) Issue a Writ of Certiorari or any other appropriate Writ or Order or Direction quashing the FIR and Complaint dated 27/01/2010 in A for the offences punishable Crime No. 44/2010 at Annexure under sections 498[A]-324-120[B]-506[B]-307-420-114 IPC - 3&4 DP Act;

(c) Issue a Writ of Certiorari or any other appropriate Writ or Order or Direction quashing the Charge-Sheet in C.C.No.1854 /2010 at Annexure - B pending before the Hon'ble Chief Judicial Magistrate, Bangalore Rural;

(d) Issue a Writ of Certiorari or any other appropriate Writ or Order or Direction quashing the Committal Order and all the proceedings in C.C.No.1854/2010 at Annexure-C pending before the Hon'ble Chief Judicial Magistrate, Bangalore Rural;

(e) Pass such other and suitable Order/(s) in the facts and circumstances of the said case in the interest of Justice and award costs of this Petition."

3. Facts of the case are as under:

3.1. Respondent No.2 herein being a legally wedded wife of the petitioner herein, filed a complaint with Bannerghatta Police Station, Bengaluru Rural District on 27.01.2010 which was registered in Crime No.44/2010 for the offence punishable

under Sections 498A, 324, 120B, 506, 307, 420, 114 of Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3.2. Gist of the complaint averments would reveal that marriage of the petitioner with respondent No.2 was solemnized on 10.03.2008 in 'Sri Kshetra Dharmasthala', Dakshina Kannada District as per the Hindu rites and customs.

3.3. On 12.03.2008, there was a marriage reception in the Grand Ashoka Hotel, Bengaluru. At the time of marriage, valuable gold, silver articles and clothes were given to the couple. Thereafter, respondent No.2 joined the matrimonial home situated at Gottigere Grama, Bannerghatta, Bengaluru on 13.03.2008. After some time, petitioner herein took respondent No.2 to Mumbai where he was having a flat.

3.4. When she reached Mumbai, there was a demand for Skoda Car, an apartment at Mumbai and a vacant site at Bengaluru as dowry. So also there was a demand of cash for conducting the business by the petitioner. On this score, there

used to be harassment both physically and mentally to respondent No.2.

3.5. When the matter stood thus, there was also demand by the parents-in-law on the ground that if the petitioner is married to somebody else, they would have got huge amount of dowry. Petitioner said to have had relationship with a different lady and his parents had forcibly married him to respondent No.2 was revealed by the petitioner to respondent No.2.

3.6. It was also revealed to respondent No.2 that even after the marriage, relationship with another lady still continues and she got confirmed about such relationship on account of the petitioner having telephonic conversation. Further thereto, respondent No.2 got conceived and there was a birth of a baby girl in Cradle Hospital and the expenses were borne by the parents of respondent No.2.

3.7. Petitioner said to have visited respondent No.2 for a brief period of three days and thereafter, did not show any interest in the relationship. When there was repeated calls,

there used to be filthy abuse to respondent No.2. When parents of respondent No.2 along with respondent No.2 went to the house of the petitioner at Bannerghatta, there was a threat and also rift which ultimately resulted in filing the complaint.

3.8. Police after investigating the matter, filed charge sheet for the aforesaid offences.

3.9. Learned Trial Magistrate after taking cognizance of the aforesaid offences, committed the matter to the Sessions Court for further proceedings.

3.10. Petitioner along with other accused persons appeared before the learned Sessions Judge and sought for discharge.

3.11. Learned Sessions Judge after hearing the prosecution and accused persons, discharged the accused persons for the offence under Section 307 of Indian Penal Code and consequently, remitted the matter to the jurisdictional Magistrate to try the case for the remaining offences.

3.12. Pursuant to the same, learned Trial Magistrate has now proceeded to try the case in CC No.1854/2010.

4. At this juncture, present petition came to be filed by the petitioner.

5. During the pendency of the proceedings, accused No.2 who is the father of the petitioner, said to have died and proceedings against him stood abated.

6. Sri.Manjunath H., petitioner/party-in-person who is accused No.1, reiterating the grounds urged in the petition would contend that there was a suppression of material evidence at the time of marriage for which the petitioner has already approached the jurisdictional Court under Sections 11 and 12 of the Hindu Marriage Act.

7. He would further contend that there are serious differences in the matrimonial relationship which resulted in filing of more than 21 cases of which the petitioner is successful in 19 cases.

8. He would also contend that charge sheet now filed by the jurisdictional police, is one such attempt where the petitioner is being harassed for no fault of his. Therefore, sought for exercising the inherent powers vested in this Court

under Section 482 of Cr.P.C. to quash the pending criminal case.

9. In support of his arguments, petitioner/party-in-person has placed reliance on the following judgments:

i. ***Dr.N.G.Dastane v. Mrs.S.Dastane reported in AIR 1975 SC 1534*** wherein at paragraph Nos.53 to 55 and 73, it has been held as under:

> *"**53**. The respondent did not take up the plea in her written statement that the appellant had condoned her cruelty. Probably influenced by that omission, the trial court did not frame any issue on condonation. While granting a decree of judicial separation on the ground of cruelty, the learned Joint Civil Judge, Junior Division, Poona, did not address himself to the question of condonation. In appeal, the learned Extra Assistant Judge, Poona, having found that the conduct of the respondent did not amount to cruelty, the question of condonation did not arise. The High Court in second appeal confirmed the finding of the first appellate court on the issue of cruelty and it further held that in any case the alleged cruelty was condoned by the appellant. The condonation, according to the High Court, consisted in the circumstance that the spouses cohabited till February 27, 1961 and a child was born to them in August 1961.*

54. *Before us, the question of condonation was argued by both the sides. It is urged on behalf of the appellant that there is no evidence of condonation while the argument of the respondent is that condonation is implicit in the act of cohabitation and is proved by the fact that on February 27, 1961 when the spouses parted, the respondent was about 3 months pregnant. Even though condonation was not pleaded as a defence by the respondent it is our duty, in view of the provisions of Section 23(1)(b), to find whether the cruelty was condoned by the appellant. That section casts an obligation on the court to consider the question of condonation, an obligation which has to be discharged even in undefended cases. The relief prayed for can be decreed only if we are satisfied "but not otherwise", that the petitioner has not in any manner condoned the cruelty. It is, of course, necessary that there should be evidence on the record of the case to show that the appellant had condoned the cruelty.*

55. *Condonation means forgiveness of the matrimonial offence and the restoration of offending spouse to the same position as he or she occupied before the offence was committed. To constitute condonation there must be, therefore, two things: forgiveness and restoration. [The Law and Practice of Divorce and Matrimonial Causes by D. Tolstoy, 6th Edn., p. 75] The evidence of condonation in this*

case is, in our opinion, as strong and satisfactory as the evidence of cruelty. But that evidence does not consist in the mere fact that the spouses continued to share a common home during or for some time after the spell of cruelty. Cruelty, generally, does not consist of a single, isolated act but consists in most cases of a series of acts spread over a period of time. Law does not require that at the first appearance of a cruel act, the other spouse must leave the matrimonial home lest the continued cohabitation be construed as condonation. Such a construction will hinder reconciliation and thereby frustrate the benign purpose of marriage laws.

73. *We therefore hold that the respondent was guilty of cruelty but the appellant condoned it and the subsequent conduct of the respondent is not such as to amount to a revival of the original cause of action. Accordingly, we dismiss the appeal and direct the appellant to pay the costs of the respondent."*

ii. ***State of Haryana and Others v. Bhajan Lal and Others reported*** in ***AIR 1992 SC 604*** wherein at paragraph No.108 it has been held as under:

"108. No doubt, there was no love lost between Shri Bhajan Lal and Dharam Pal. Based on this strained relationship, it has been then emphatically urged by Mr K. Parasaran that the entire allegations made in the complaint due to political vendetta are not only

scurrilous and scandalous but also tainted with mala fides, vitiating the entire proceedings. As it has been repeatedly pointed out earlier the entire matter is only at a premature stage and the investigation is not yet proceeded with except some preliminary effort taken on the date of the registration of the case, that is on November 21, 1987. The evidence has to be gathered after a thorough investigation and placed before the court on the basis of which alone the court can come to a conclusion one way or the other on the plea of mala fides. If the allegations are bereft of truth and made maliciously, we are sure, the investigation will say so. At this stage, when there are only allegations and recriminations but no evidence, this court cannot anticipate the result of the investigation and render a finding on the question of mala fides on the materials at present available. Therefore, we are unable to see any force in the contention that the complaint should be thrown overboard on the mere unsubstantiated plea of mala fides. Even assuming that Dharam Pal has laid the complaint only on account of his personal animosity, that, by itself, will not be a ground to discard the complaint containing serious allegations which have to be tested and weighed after the evidence is collected. In this connection, the following view expressed by Bhagwati, C.J. in Sheonandan Paswan v. State of Bihar [(1987) 1 SCC 288, 318 : 1987 SCC (Cri) 82] may be referred to : (SCC p. 318, para 16)

"It is a well established proposition of law that a criminal prosecution, if otherwise justifiable and based upon adequate evidence does not become vitiated on account of mala fides or political vendetta of the first informant or the complainant."

Beyond the above, we do not wish to add anything more."

iii. ***Sushil Kumar Sharma v. Union of India,*** reported in ***(2005) 6 SCC 281*** wherein at paragraph No.19 it has been held as under:

*"**19.** The object of the provision is prevention of the dowry menace. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bona fide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreak personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the courts have to take care of the*

situation within the existing framework. As noted above the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not as an assassin's weapon. If the cry of "wolf" is made too often as a prank, assistance and protection may not be available when the actual "wolf" appears. There is no question of the investigating agency and courts casually dealing with the allegations. They cannot follow any straitjacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that the ultimate objective of every legal system is to arrive at the truth, punish the guilty and protect the innocent. There is no scope for any preconceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumptions that the accused persons are guilty and that the complainant is speaking the truth. This is too wide and generalised a statement. Certain statutory presumptions are drawn which again are rebuttable. It is to be noted that the role of the investigating agencies and the courts is that of a watchdog and not of a bloodhound. It should be their effort to see that an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally undisputable that in many cases no direct evidence is available and the courts have to act on circumstantial

evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view."

iv. ***Sajjan Kumar v. CBI,*** reported in ***(2010) 9 SCC 368*** wherein at paragraph No.21 it has been held as under:

"Exercise of jurisdiction under Sections 227 and 228 CrPC

21. *On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:*

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect

of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

v. ***Lalita Kumar v. Government of Uttar Pradesh and Others*** reported in ***AIR 2014 SC 187*** wherein at paragraph Nos.120 and 121 it has been held as under:

"Conclusion/Directions

120. *In view of the aforesaid discussion, we hold:*

120.1. *The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.*

120.2. *If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.*

120.3. *If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must*

be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. *The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*

120.5. *The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.*

120.6. *As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:*

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

120.7 *[Ed.: This correction is based on para 120.7 as corrected vide order in Lalita Kumari v. State of U.P., (2023) 9 SCC 695.] . While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks' time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.*

120.8. *Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.*

121. *With the above directions, we dispose of the reference made to us. List all the matters before the appropriate Bench for disposal on merits.*

vi. ***Faisal Ahmed Khan v. State of Karnataka*** reported in ***2020 (1) AKR 306*** wherein at paragraph Nos.20 to 22 it has been held as under:

> *"**20.** It is relevant to note that though the complaint contains the allegations recorded above, there is interpolation with regard to the date 03.08.2011, on which date she was allegedly confined in a room and attempt was made to kill her by pouring kerosene. Further, it is stated that Faizal made an attempt to hang her to a Ceiling fan. In the following sentence, it is stated that Faizal made her fall from a motor cycle and tried to kill her. The two allegations that Faizal attempted to hang the complainant and thereafter made her fall from the motor cycle contradict each other. If Faizal had really attempted to hang her, how did she escape from his clutches? No details are forthcoming in this behalf. However, even if it is assumed that the said allegation were true, it is not understandable why she sat on Faisal's motor cycle.*
>
> ***21.** Thus, the Complaint is full of unbelievable and self contradicting allegations. The first allegation of demand for Rs. 3,00,000/- is said to have been made jointly by petitioner and his family members. The second allegation regarding demand of money to purchase a car is alleged jointly against petitioner and his sisters. Thus, all allegations in the complaint are omnibus in nature and in the least, made jointly*

with other accused and there are no specific against the petitioner.

22. *After investigation, admittedly police have not filed charge-sheet against accused No. 2 to 6 namely Shahjahan Begum, Afzal Ahmed Khan, Parveez Ahamed, Anjum Nazeer and Siddique. Neither the prosecution nor the complainant have placed any other material which may suggest commission of any of the alleged criminal act/s by the petitioner. Therefore, it can be safely concluded that allegations against petitioner are designed to harass him."*

vii. ***Madhukar G., v. State of Karnataka*** dated ***24.05.2021*** in ***Crl.P.No.53/2021*** wherein at paragraph Nos.8 to 10 it has been held as under:

8. *The Hon'ble Supreme Court in the case of PREETI GUPTA & ANOTHER VS STATE OF JHARKHAND & ANOTHER-(2010)7 SCC 667, has held in paragraphs 32 to 35 as under:*

"32. It is a matter of common experience that most of these complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine

cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent.

To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection."

9. *Further, the Hon'ble Supreme Court in the case of TARBEZ KHAN ALIAS GUDDU & OTHERS VS STATE OF UTTAR PRADESH & ANOTHER - (2019)4 SCC 615 and in the case of SEENIVASAN VS THE STATE BY INSPECTOR OF POLICE - (2019)8 SCC 642, having regard to the fact that there were no specific allegations of overt acts, has quashed the proceedings as against the family members.*

10*. This Court in the case of ASMA KHANUM @ NOOR ASMA & OTHERS VS STATE OF KARNATAKA & ANOTHER - 2020(6) Kar.L.J. 90, has held in paragraphs 15 & 17 as under:*

"15. In the case on hand, a careful reading of the complaint averments and the charge sheet materials clearly go to show that an attempt is made to implicate all the immediate relatives of the husband with an oblique motive. No specific averments are made as against the petitioners with regard to their role played in respect of the alleged acts. No reference is given with regard to any specific incidents wherein the petitioners have actively participated. The complainant has only made sweeping allegations against petitioners. xxx

16. xxx xxx

17. The learned Magistrates while taking cognizance of the criminal offences arising out of marriage dispute are required to be cautious especially when an attempt is made to falsely implicate the relatives of the husband without even there being any specific allegation as against them in the complaint only with an intention to coerce and harass the husband and his relatives. The provisions of law introduced by the legislature for protecting the weaker section should be used as a shield and not as a weapon. The judiciary in cases of misuse of such provisions of law, is required to intervene, otherwise, it may have an adverse effect in a longer run."

viii. ***Vimala Sharma v. State of Karnataka*** dated ***22.06.2021*** in ***Crl.P.No.5404/2018*** wherein at paragraph Nos.39 and 40 it has been held as under:

> ***"39.*** *This statement follows the narration of the incident of she and her parents visiting her matrimonial home to invite 1st and 2nd petitioners for her brother's wedding. As observed by this Court, the complaint allegations are self contradictory. Mere poking fun without there being any motive to cause hurt or a mere stray remark by no stretch of imagination can be construed a cruel act. As rightly stated by learned counsel for the petitioners, every marriage goes through a period of wear and tear and on a reading of the complaint, it appears that the complaint is nothing but an attempt to blow out of proportion, the usual arguments and disagreements between a wedded couple going through a lean patch. Larger portion of the complaint allegations stem out of an alleged affair between 3rd petitioner and one Dr. Shruthi and apart from self serving statements, there is absolutely no material placed by the complainant to demonstrate any such illicit relationship between 3rd petitioner and a third party. The manner, tone and tenor of the complaint leaves no doubt that the complaint is lodged with the sole and malafide intention of wreaking vengeance and destroy the career and life of the petitioners, more particularly, the 3rd petitioner.*

> ***40.*** *In the opinion of this Court, the instant case falls within the exceptional cases carved out by the Hon'ble Apex Court in the case of State of Haryana and Others vs. Bhajan Lal and Others reported in AIR 1992 SC 604 i.e, exceptional cases, which demand exercise of inherent powers vested in this Court under Section 482 of Cr.P.C and as summed up by the Hon'ble Apex Court in paragraph No.108 sub-para 7. That apart, in the opinion of this Court, this is a case, which falls within the 3rd category of cases as set out in paragraph No.108.*

ix. ***Kahkashan Kausar @ Sonam and Others v. State of Bihar and Others*** reported in ***AIR 2022 SC 820*** wherein at paragraph Nos.18 and 21 it has been held as under:

> ***"18.*** *Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy". Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are,*

therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

21. *Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the appellant-accused, it would be unjust if the appellants are forced to go through the tribulations of a trial i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged."*

x. ***Ajay V. Krishnan v. State of Karnataka*** reported in ***AIR ONLINE 2023 KAR 1134*** wherein at paragraph Nos.9 and 10, it has been held as under:

"9. *Having heard the arguments, perused the records, on perusal of the same, the petitioner No.1 married the respondent No.2, both of them were*

divorcees and it was second marriage for both of them. After the marriage, it was revealed that the petitioner No.1 is suffering from Varicocele, Grade 3-4 disease and respondent No.2 was unable to become pregnant due to the medical condition of petitioner No.1 and he was unfit for marriage life. Both of them took treatment in various hospital and also they took treatment in Milan's Fertility hospital, undergone ICSI treatment and with the consent, three embryos were formed and stored in the freezer and it has to be transferred to respondent No.2, but the petitioners refused and they harassed her mentally. They created ugly scenes and there was continuous quarrel between petitioner No.1 and respondent No.2 which reveals the petitioner No.1 was suffering from Varicocele disease and his medical condition is unfit for begetting a child, therefore with the help of scientific treatment, the embryos were formed by way of ICSI treatment and it was to be transferred to respondent No.2. But the same was resisted by petitioners which led to mental harassment to respondent No.2. Though petitioner No.1 filed a case, but he has not stated that he was suffering from Vericocele and unable to beget the child, but he has given other reasons for divorce.

10. *From the statements of the victim and family which reveals the family especially petitioner No.1 was continuously harassing the complainant even though he was having some problem with him, but*

he was making allegation against the complainant respondent. The petitioner Nos.2 and 3 are the parents of the petitioner No.1. The real dispute between the husband and wife in respect of their family sexual affairs may not be known to them and they might have supported accused No.1 who is a son. But infact the Vericocele problem with the petitioner No.1 who might have not disclosed to his parents and he was purposely avoiding the IVF treatment by going to the hospital. Therefore, it cannot be said the accused Nos.2 to 5 were having knowledge about the suffering of the accused No.1 regarding Vericocele problem and any other problem with him. Therefore, the parents and family members are not liable to be prosecuted without any sufficient material placed on record to show they actually harassed the complainant physically or mentally. On the other hand, there is sufficient material placed on record to show that the petitioner No.1 committed offence for facing the trial for the offence punishable under Section 498A of IPC by suppressing the fact, married the complainant is nothing but cheating the complainant."

xi. ***Govind Shivkumar v. State of Karnataka,*** reported in ***2024 SCC OnLine Kar 8*** wherein at Paragraph Nos.29, 31 and 32 it has been held as under:

"***29.*** *The High Court of Madras in N. CHANDRAMOHAN v. STATE*[3] *has held as follows:*

"This is one of those unfortunate cases where the wife has resorted to giving a complaint against her husband alleging that he has committed sexual assault against their daughter, who is aged about 11 years.

2. *The 2nd respondent has given a complaint to the respondent police stating that she married the petitioner in the year 2003 and out of the said wedlock, two girl children were born and they are aged about 11 years and 1½ years respectively. The complaint proceeds as if there is an illicit relationship between the petitioner, who is the father and the daughter, who is aged about 11 years and the 2nd respondent is said to have warned the petitioner regarding the same. The 2nd respondent proceeds to allege that she was able to see some bodily changes of her elder daughter and goes to the extent of saying that the elder daughter also became pregnant and the same was terminated by giving native medicine. Therefore, the 2nd respondent has removed both the daughters from the custody of the petitioner and handed them over to the Government Home.*

… … …

6. This Court categorically found that the defacto complainant lodged a false complaint with an ulterior motive to threaten the petitioner and thereby granted anticipatory bail to the petitioner.

7. The present petition has been filed seeking to quash the FIR on the ground that the FIR itself is an abuse of process of law and is being used as an instrument to threaten the petitioner and to wreck vengeance against the petitioner.

8. This Court summoned the 164 statement recorded by the learned Additional Family Court Judge, Egmore, from the victim girl. While questioning, the victim girl has clearly narrated the entire incident and it can be seen that the defacto complainant was attempting to take the daughters into her custody and for that purpose she has cooked up a false story against the petitioner. The victim girl has gone to the extent of saying that she and her younger sister wanted to go with their father, when enquired by the learned Judge.

9. The victim girl has taken a very consistent stand both at the time of giving statement under Section 164 of Cr. P.C. and at the time when she was personally enquired by this Court, at the time of considering the anticipatory bail petition filed by the petitioner. It is clear that the allegations made by the 2nd respondent is completely false and she has given the complaint with an ulterior motive against the

petitioner. Unfortunately she has gone to the extent of casting aspersion against the petitioner as if he has illicit relationship with his own daughter aged about 11 years.

10. This case has shocked the conscience of this Court and it is unbelievable that the mother just for the sake of taking custody of her child, can go to the extent of making such serious allegations against her husband by alleging that he is having physical contact with his own daughter.

11. There were instances when the attention of this Court was drawn to similar such incidents, where false complaint were given as if the husband has committed an offence under POCSO Act against the daughter and it was informed to this Court that such cheap tactics are adopted in the family court cases, just to arm twist the husband and make him fall in line. This Court was not willing to believe that such instances can happen and this case is an eye opener for this Court. This Court was made aware, the extent to which POCSO Act can be misused.

12. The object of the POCSO Act was to protect children from offence of sexual assault, sexual harassment, etc., and that is why the Act specifically provides for a legal presumption as to the commission of the offence and the culpable mental state, once a prosecution is launched under this Act. The burden of proof is upon the accused to prove that he had no

such mental state with respect to the Act charged as an offence in that prosecution. The consequences of prosecuting a person under this Act are very serious and apart from providing for stringent punishments, the person who is prosecuted virtually comes down in the eyes of the society at large and he is virtually shunned from the main stream of the society.

13. Fortunately in this case, the concerned child was able to express herself very clearly both before this Court as well as the Court below and therefore on the face of it, this Court was able to find that the Act has been misused by the 2nd respondent. If that had not happened, the petitioner would have been forced to go through the rigour of a trial and the situation would have turned even more murkier.

14. In the considered view of this Court, the prosecution against the petitioner should not continue even for a minute more and it has to be immediately interfered and the FIR has to be quashed, in order to bring to an end a malicious prosecution which is of monstrous proportions. The 2nd respondent even without caring for the future of her own daughter, has proceeded to give a complaint alleging illicit relationship between her husband and daughter, just to make the petitioner fall in line and to get the daughters into her custody. This is the worst type of false prosecution a Court can ever encounter.

15. In the considered view of this Court, the 2nd respondent should not be let off and she should be made to suffer the consequences for having given a false complaint against her husband at the cost of her own daughter. The respondent police is directed to immediately proceed against the 2nd respondent under Section 22 of the POCSO Act for having given a false complaint and take action against her in accordance with law. This case should be a lesson for all those who attempt to misuse the provisions of this Act, just to satisfy their own selfish ends.

16. In the result, the F.I.R. in Crime No. 11 of 2018 is quashed in so far as the petitioner is concerned and the respondent police is directed to alter the FIR based on this order and proceed against the 2nd respondent/defacto complainant under Section 22 of the Protection of Child from Sexual Offences Act, 2012."

31. *A caveat, the aforesaid observation is rendered on the facts of the case. It cannot be construed that this Court, is applying the fresco to every case of this kind, they would be on a case to case basis depending on its facts. The emerging trend is what has become worrisome. The wrangling parents forget that they are projecting their own child to have been a subject of such assault. The tune of negative impact of such projection on the psyche of the child, is unimaginable. The parents should therefore ponder*

and introspect before making such allegations. If it is true, law will take its course, but if it is projected for the purpose of custody, as is done in the case at hand, there can be no bigger sin, that the parents can commit. It is these circumstances and for the aforesaid reasons, permitting further proceedings would become gross abuse of the process of law.

32. *The Apex Court in the case of STATE OF HARYANA v. BHAJAN LAL has held as follows:*

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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.

(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."

xii. ***Achin Gupta v. State of Haryana*** reported in ***AIR 2024 SC 2548*** wherein at paragraph Nos.17 to 21, 25 and 32 it has been held as under:

"17. *The plain reading of the FIR and the charge-sheet papers indicate that the allegations levelled by the first informant are quite vague, general and sweeping, specifying no instances of criminal conduct. It is also pertinent to note that in the FIR no specific date or time of the alleged offence/offences has been disclosed. Even the police thought it fit to drop the proceedings against the other members of the appellant's family. Thus, we are of the view that the FIR lodged by Respondent 2 was nothing but a counterblast to the divorce petition and also the domestic violence case.*

18. *It is also pertinent to note that Respondent 2 lodged the FIR on 9-4-2021 i.e. nearly 2 years after the filing of the divorce petition by the appellant and*

6 months after the filing of the domestic violence case by her mother-in-law. Thus, the first informant remained silent for nearly 2 years after the divorce petition was filed. With such an unexplained delay in filing the FIR, we find that the same was filed only to harass the appellant and his family members.

19. *It is now well settled that the power under Section 482CrPC has to be exercised sparingly, carefully and with caution, only where such exercise is justified by the tests laid down in the section itself. It is also well settled that Section 482CrPC does not confer any new power on the High Court but only saves the inherent power, which the Court possessed before the enactment of the Criminal Procedure Code. There are three circumstances under which the inherent jurisdiction may be exercised, namely : (i) to give effect to an order under the Code, (ii) to prevent abuse of the process of Court, and (iii) to otherwise secure the ends of justice.*

20. *The investigation of an offence is the field exclusively reserved for the police officers, whose powers in that field are unfettered, so long as the power to investigate into the cognizable offence is legitimately exercised in strict compliance with the provisions under Chapter XII CrPC. While exercising powers under Section 482CrPC, the court does not function as a court of appeal or revision. As noted above, the inherent jurisdiction under the section,*

although wide, yet should be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. The authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has the power to prevent such abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers, the court would be justified to quash any proceeding if it finds that the initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

21. *Once the investigation is over and charge-sheet is filed, the FIR pales into insignificance. The court, thereafter, owes a duty to look into all the materials collected by the investigating agency in the form of charge-sheet. There is nothing in the words of Section 482CrPC which restricts the exercise of the*

power of the court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It would be a travesty of justice to hold that the proceedings initiated against a person can be interfered with at the stage of FIR but not if it has materialised into a charge-sheet.

25. *In Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , this Court observed the following : (SCC pp. 676-77, paras 30-38)*

"30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

31. The courts are receiving a large number of cases emanating from Section 498-A of the Penal Code, 1860 which reads as under:

*'**498-A. 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.'

32. It is a matter of common experience that most of these complaints under Section 498-AIPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession

must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had

been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

37. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislature. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is

high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.

38. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society."

(emphasis supplied)

32. *Many times, the parents including the close relatives of the wife make a mountain out of a molehill. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife, her parents and her relatives is the police, as if the police is the panacea of all evil. No sooner the matter reaches up to the police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance,*

adjustment and respecting one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hypersensitive approach would prove to be disastrous for the very institution of the marriage. In matrimonial disputes the main sufferers are the children. The spouses fight with such venom in their heart that they do not think even for a second that if the marriage would come to an end, then what will be the effect on their children. Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The police machinery cannot be utilised for the purpose of

holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498-AIPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.

36. *For the foregoing reasons, we have reached to the conclusion that if the criminal proceedings are allowed to continue against the appellant, the same will be nothing short of abuse of process of law and travesty of justice. This is a fit case wherein, the High Court should have exercised its inherent power under Section 482CrPC for the purpose of quashing the criminal proceedings."*

xiii. ***xxx v. State of Karnataka dated 28.06.2024 in Crl.P.No.1803/2023*** wherein at paragraph Nos.9 and 10 it has been held as under:

"9. *The Apex Court considers the entire spectrum of law and holds that the act of the complainant was in gross misuse and abuse of the process of law. The Apex Court further holds that it is the duty of the High Court to look into the FIR with care and little*

more closely and ascertain whether necessary ingredients to constitute the offence is disclosed or not, as many a time frivolous and vexatious proceedings are permitted to continue. The Court exercising jurisdiction under Section 482 of the Cr.P.C., has a duty to look into not only the complaint but all other attendant circumstances emerging from the record and if need be due care and circumspection be done, to read between the lines. This is exactly what this Court has undertaken in the case at hand.

10. *This Court has completely considered the complaint, summary of the charge sheet, the statements recorded and the law as laid down by the Apex Court in the aforesaid judgment. All this exercise is undertaken only to arrive at a conclusion as to any of the ingredients of the offences are met or otherwise. The unmistakable conclusion is that, the complainant in gross misuse and abuse of law has set the criminal law into motion. Such frivolous cases registered by the wife have taken enormous judicial time, be it before the concerned Court or before this Court, and has led to enormous civil unrest, destruction of harmony and happiness in the society. It may not be that these would be the facts in every given case. The Court is only concerned about frivolous and vexatious litigations clogging the criminal justice delivery system, where genuine cases lie in cold storage. If the facts narrated hereinabove*

*are noticed and as observed, the complainant has, in gross misuse and abuse of the process of the law, has set the criminal law into motion**. (……..deleted vide Court order dated 04.09.2024)***

xiv. ***Smt.Shreya S. Pai and Others v. State of Karnataka and Others dated 22.01.2025 in WP No.3809/2024 connected with WP No.28591/2023*** wherein at paragraph No.21 it has been held as under:

> ***"21.*** *In the light of the law laid down by the Apex Court in the afore-quoted judgments, permitting further proceedings against the husband would become an abuse of the process of law and putting a premium on the litigative persistence and arm-twisting tactics of the wife. Therefore, Writ Petition No.28591 of 2023 deserves to be* allowed and the crime set side."

xv. ***Suman Mishra v. State of U.P.,*** reported in ***2025 SCC OnLine SC 295*** wherein at paragraph Nos.12 to 14 and 19 it has been held as under:

> *"**2.** The aforesaid order reveals that the High Court has undertaken only a cursory analysis of the allegations made in the FIR. The High Court has failed to underscore any reasons for recording its finding that the allegations make out the alleged offense. Further, there appears to be no basis for the High Court to state that the disputed version of the*

Appellants cannot be considered at the stage of quashing.

13. *It is a matter of record that the FIR was only registered on 19.08.2021, about two months after the divorce petition was registered by Appellant No. 3. Upon a perusal of the FIR, it is revealed that the primary allegation levelled by Respondent No. 2 is one of rape committed by the brother-in-law of Respondent No. 2. After investigation by two different investigating officers under the supervision of Senior Superintendent of Police, no charge-sheet was filed for the alleged offence under Section 376 IPC. It is noteworthy that no protest petition has been filed by Respondent No. 2/Complainant protesting the non-inclusion of Section 376 IPC in the charge-sheet. Therefore, what remains to be examined by this Court is whether the High Court has erred in finding that there are specific allegations in the FIR and Chargesheet after dropping the charge of Section 376 IPC, in order to maintain the criminal proceedings against the Appellants.*

14. *The statements of the witnesses examined by the police reveal that there are allegations against the accused persons of general and omnibus nature, and no specific details have been provided. Further, divorcing the allegations under Section 376 IPC from the FIR, it appears to this Court that nothing remains in the FIR that is specifically alleged against the*

Appellants. In fact, the FIR contains no information in regard to the date or time that the alleged offence took place. The other important aspect of the case is that the proceedings before the Family Court in Matrimonial Case No. 627(597) of 2021 have resulted in a decree of divorce and the re-marriage of Appellant No. 3 has also taken place subsequently.

19. *Considering the ratio laid down by this Court in the aforesaid judgments, and especially in the light of the fact that initially the FIR was lodged alleging rape and no charge-sheet was filed for prosecuting the accused for the offence of rape, and keeping in view of the fact that no protest petition was filed thereafter, this Court is of the considered opinion that the FIR is vexatious and seems to be instituted with an ulterior motive only because the husband preferred a divorce petition on 17.06.2021 i.e. much prior to the filing of the FIR against all the family members. Therefore, this Court is of the opinion that in the peculiar facts and circumstances of the case, the FIR No. 733/2021 and the charge-sheet dated 02.02.2022 in the matter deserve to be quashed and are accordingly quashed. The appeal is allowed."*

xvi. ***Rajesh Chaddha v. State of U.P.,*** reported in ***2025 SCC OnLine SC 1094*** wherein at paragraph Nos.13 and 14 it has been held as under:

"13. *Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of Dara Lakshmi Narayana v. State of Telangana[4] appropriately encapsulates this essence as under:*

"25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of

innocent family members. In the present case, appellant Nos. 2 to 6, who are the members of the family of appellant No. 1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent No. 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them."

14. *The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the Appellant will only tantamount to an abuse of process of law.*

xvii. ***Sri.Ajit Badanidiyoor Bhat v. Smt.Deepika*** dated ***31.07.2025 in Crl.P.No.10907/2023*** wherein at paragraph No.27 it has been held as under:

"27. However, the material placed on record clearly indicates that the respondent is not an aggrieved person and there is no domestic violence committed by the petitioner. When the petitioner has not yielded to the pressure tactics of respondent and he has also chosen to file for divorce, she has filed the petition making false allegations. In the above facts and circumstances, the continuation of impugned proceedings against the petitioner would amount to abuse of the process of the Court."

xviii. ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh and Another dated 02.09.2025 in Crl.Appeal No.3831/2025*** wherein at paragraph No.20 it has been held as under:

"20. *The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:—*

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject

and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]"

xix. ***Dara Lakshmi Narayana v. State of Telangana,*** reported in ***(2025) 3 SCC 735*** wherein at paragraph No.35 it has been held as under:

> ***"35.*** *We, accordingly allow the appeal and set aside the impugned order of the High Court dated 16-2-2022 [Dara Lakshmi Narayana v. State of Telangana, 2022 SCC OnLine TS 3561] in Criminal Petition No. 1479 of 2022 filed under Section 482CrPC. Criminal Petition No. 1479 of 2022 under Section 482CrPC shall accordingly stand allowed. FIR No. 82 of 2022 dated 1-2-2022 registered with Neredmet Police Station, Rachakonda under Section 498-AIPC and Sections 3 and 4 of the Dowry Act against Appellants 1 to 6, charge-sheet dated 3-6-2022 filed in the Court of 1st Metropolitan Magistrate, Malkajgiri, Cyberabad and the trial pending in the Court of 1st Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate, Malkajgiri against the appellants herein shall accordingly stand quashed."*

xx. A. ***Hiriyanna Gowda v. State of Karnataka***, reported in ***1998 SCC OnLine Kar 351*** wherein at paragraph Nos.1 to 3 and 5 it has been held as under:

> *"**1.** The present application is filed under Section 340, Cr. P.C. and undoubtedly involves a power that the Courts have been seldom exercising. It*

has unfortunately become the order of the day, for false statements to be made in the course of judicial proceedings even on oath and attempts made to substantiate these false statements through affidavits or fabricated documents. It is very sad when this happens because the real backbone of the working of the judicial system is based on the element of trust and confidence and the purpose of obtaining a statement on oath from the parties or written pleadings in order to arrive at a correct decision after evaluating the respective positions. In all matters of fact therefore, it is not only a question of ethics, but an inflexible requirement of law that every statement made must be true to the extent that it must be verified and correct to the knowledge of the person making it. When a client instructs his learned Advocate to draft the pleadings, the basic responsibility lies on the clients because the Advocate being an Officer of the Court acts entirely on the instructions given to him, though the lawyer will not be immune from even a prosecution. If the situation is uncertain it is for his client to inform his learned Advocate and consequently if false statements are made in the pleadings the responsibility will devolve wholly and completely on the party on whose behalf those statements are made.

2. *It has unfortunately become common place for the pleadings to be taken very lightly and for nothing but false and incorrect statements to be made in the course of judicial proceedings, for fabricated documents to be produced and even in cases where this comes to the light of the Court the party seems to get away because the Courts do not take necessary counter-action.*

3. *The disastrous result of such leniency or indulgence is that it sends out wrong signals. It creates almost a licence for litigants and their lawyers to indulge in such serious malpractices because of the confidence that no action will result. To my mind, therefore, the fact that the petitioner has pressed in this application requires to be commended because it is a matter of propriety and it is very necessary at least in a few glaring cases that an example be made of persons who are indulging in such malpractices which undermine the very administration of justice dispensation system and the working of the Courts. This will at least have a deterrent effect on others.*

5. *The present applicant prays for prosecution of respondent 3 on the ground that false statements have been made in the course of the judicial proceedings with the object of misleading the Court and furthermore that the document*

Annexure-R1 is a fabricated document and that it constitutes production of false evidence in the course of judicial proceedings. In support of this application, the applicant who is the original petitioner has produced certified copies of the relevant documents in order to establish that the document Exhibit R-1 produced by respondent 3 to the Writ Petitions is a fabricated document. On an appraisal of the record, a prima facie case is made out and I am of the view that it is expedient in the interest of justice for an enquiry to be made into the charges levelled against respondent 3. For this purpose, the Registrar-General shall file a formal complaint addressed to the 7th Additional Chief Metropolitan Magistrate, Bangalore City, as per the draft complaint that has been submitted and shall also forward the Annexures to the draft complaint along with certified and xerox copies of the original statement of objections and the Annexure-R1 that was produced in the writ petitions. As far as the originals of the last two documents are concerned, the Registrar-General shall, after the certified copies have been prepared, ensure that these are taken out from the record of the writ petitions, that they are placed in a sealed envelope and that they are retained by the High Court in safe custody in such a manner so that the envelope can be produced before the Trial Court when that Court has occasion to record the evidence. Until then, the

Trial Court shall proceed on the basis of the certified copies submitted along with the complaint.

xxi. ***Pritish v. State of Maharashtra and Others*** reported in ***MANU/SC/0740/2001*** wherein at paragraph Nos.11 and 12 it has been held as under:

*"**11.** Thus, the person against whom the complaint is made has a legal right to be heard whether he should be tried for the offence or not, but such a legal right is envisaged only when the magistrate calls the accused to appear before him. The person concerned has then the right to participate in the pre-trial inquiry envisaged in Section 239 of the Code. It is open to him to satisfy the magistrate that the allegations against him are groundless and that he is entitled to be discharged.*

***12.** The scheme delineated above would clearly show that there is no statutory requirement to afford an opportunity of hearing to the persons against whom that court might file a complaint before the magistrate for initiating prosecution proceedings. Learned counsel for the appellant contended that even if there is no specific statutory provision for affording such an opportunity during the preliminary inquiry stage, the fact that an appeal is provided in Section 341*

of the Code, to any person aggrieved by the order, is indicative of his right to participate in such preliminary inquiry."

xxii. Iqbal Singh Marwah v. Meenakshi Marwah, reported in ***(2005) 4 SCC 370*** wherein at paragraph No.23 it has been held as under:

*"**23.** In view of the language used in Section 340 CrPC the court is not bound to make a complaint regarding commission of an offence referred to in Section 195(1)(b), as the section is conditioned by the words "court is of opinion that it is expedient in the interests of justice". This shows that such a course will be adopted only if the interest of justice requires and not in every case. Before filing of the complaint, the court may hold a preliminary enquiry and record a finding to the effect that it is expedient in the interests of justice that enquiry should be made into any of the offences referred to in Section 195(1)(b). This expediency will normally be judged by the court by weighing not the magnitude of injury suffered by the person affected by such forgery or forged document, but having regard to the effect or impact, such commission of offence has upon administration of justice. It is possible that such forged document or forgery may cause a very serious or substantial injury to a person in the sense that it may deprive him of a very valuable property or status or the*

like, but such document may be just a piece of evidence produced or given in evidence in court, where voluminous evidence may have been adduced and the effect of such piece of evidence on the broad concept of administration of justice may be minimal. In such circumstances, the court may not consider it expedient in the interest of justice to make a complaint. The broad view of clause (b)(ii), as canvassed by learned counsel for the appellants, would render the victim of such forgery or forged document remediless. Any interpretation which leads to a situation where a victim of a crime is rendered remediless, has to be discarded."

xxiii. C.S.Periera v. Jamia Masjid and Another dated 26.09.2012 in WP No.37558/2009 wherein it has been held as under:

"*From the above, it is clear that either the advocate appearing for the petitioner or the petitioner has forged the Court records. In this view of the mater, the interim order is created by the petitioner/petitioner's counsel (though such interim order was not granted by this Court) to the effect that this Court has directed not to dispossess the petitioner for 15 days. Thus, it is clear that action of the petitioner/his counsel amounts to abuse of process of law, which amounts to criminal contempt punishable under*

Section 12 of the Contempt of Courts Act. The said act also amounts to offence of forgery of the records of Court and the forgery for the purpose of cheating punishable under Sections 466 and 468 of IPC. The disciplinary action also needs to be conducted against the petitioner's counsel by the Karnataka Bar Council. Hence, the following order is made:-

i) Registrar (Judicial) is directed to place the apers before the Hon'ble Chief Justice to initiate criminal contempt proceedings against the petitioner and the petitioner's counsel.

ii) With the consent of the Hon'ble Chief Justice, an Information also may be lodged before the jurisdictional police for taking action against the petitioner/his counsel under Sections 466 and 468 of IPC and for other offences.

iii) Bar Council of Karnataka shall also be instructed to take necessary disciplinary action against the petitioner's counsel Sri Bhojraj as per law.

iv) The report of the Registrar (Judicial) has to be treated as part of this file. All the records shall be kept in safe custody till they are placed before Hon'ble Chief Justice.

Since the impugned order in the writ petition is already executed and the petitioner is evicted from

the premises in question, the writ petition stands dismissed on that ground."

xxiv. Dr. Praveen R. v. Dr.Arpitha dated 31.08.2021 in WP No.19448/2015 wherein it has been held as under:

"e) Lastly, heavy reliance placed by Mr. Jhadhav on the decision of Apex Court in V.K.Gupta's case supra, does not much come to his rescue; there are some observations in the said ruling that recognize greater degree of discretion with the Courts in deciding application of the kind, is true; however, that cannot be construed as a discretion of the Moguls; the sages of law like Lord Halsbury have said that discretion means according to rules of reason & justice; the reason assigned by the Court below for holding petitioner's subject application to be premature, is unsustainable to say the least; the view of the learned trial Judge that petitioner can move similar application subsequently offends sense of justice; applications of the kind need to be considered on merits at the earliest point of time so that a loud message goes to the unscrupulous section of the litigant public as to what would befall the perjuring parties.

In the above circumstances, this writ petition succeeds; impugned order is set at naught; matter is remitted for consideration afresh; till such

consideration takes place, the main matter shall be parked at a bay.

xxv. State of Punjab v. Jasbir Singh, reported in ***2022 SCC OnLine SC 1240*** wherein at paragraph Nos.6 to 9 it has been held as under:

> ***"6.*** *The reference order is a conflicting view in Sharad Pawar v. Jagmohan Dalmiya[2] to the extent that in para 7 while noticing the submissions of the counsels it was observed that it was necessary to conduct a preliminary inquiry as contemplated under Section 340 Cr.P.C. and "also to afford an opportunity of being heard to the defendants, which was admittedly not done." The latter was stated to be contrary to the view in Pritish's case (supra).*
>
> ***7.*** *The reference order also simultaneously noted the observations in the Constitution Bench of this Court in Iqbal Singh Marwah v. Meenakshi Marwah[3] which was post the judgment in Pritish's case (supra) but prior to the judgment in Sharad Pawar's case (supra). In this behalf the extracted portion in 23 of the judgment reads as under:*
>
> *"In view of the language used in Section 340 Cr.P.C. the Court is not bound to make a complaint regarding commission of an offence referred to in Section 195(1)(b), as the Section is conditioned by the words "Court is of opinion that*

it is expedient in the interest of justice." This shows that such a course will be adopted only if the interest of justice requires and not in every case. Before filing of the complaint, the Court may hold a preliminary enquiry and record a finding to the effect that it is expedient in the interests of justice that enquiry should be made into any of the offences referred to in Section 195(i)(b). This expediency will normally be judged by the Court by weighing not the magnitude of injury suffered by the person affected by such forgery or forged document, but having regard to the effect or impact, such commission of offence has upon administration of justice. It is possible that such forged document or forgery may cause a very serious or substantial injury to a person in the sense that it may deprive him of a very valuable property or status or the like, but such document may be just a piece of evidence produced or given in evidence in Court, where voluminous evidence may have been adduced and the effect of such piece of evidence on the broad concept of administration of justice may be minimal. In such circumstances, the Court may not consider it expedient in the interest of justice to make a complaint.

Emphasis supplied"

> ***8.*** *On having considered the matter, it is our view that the Constitution Bench's view would naturally prevails that makes the legal position quite abundantly clear. Not only that, if we may notice, what is reported in Sharad Pawar's case (supra) is only an order and not a judgment. An order is in the given factual scenario. The judgment lays down the principles of law. The scenario is that any order or judgment passed by this Court becomes a reportable exercise to create more volumes of reported cases! This thus has a possibility at times of causing some confusion on the legal principles prevalent. The observations in the quoted paragraph extracted aforesaid apparently came out of the flow of the order rather than pronouncing any principles of law and that is why the Bench itself categorized what is observed as an order i.e, in the given factual scenario.*
>
> ***9.*** *We have little doubt that there is no question of opportunity of hearing in a scenario of this nature and we say nothing else but that a law as enunciated by the Constitution Bench in Iqbal Singh Marwah's case (supra) is in line with what was observed in Pritish'case (supra).”*

xxvi. Gulshan Bajwa v. High Court of Delhi, reported in ***(2024) 19 SCC 297*** wherein at paragraph Nos.11, 12, 15, 17, 21 and 23, it has been held as under:

Findings of the High Court

11. *While analysing the conduct of the appellant, the High Court summarised [Court on its Own Motion v. Gulshan Bajwa, 2006 SCC OnLine Del 1286] his contemptuous acts in the following words: (Gulshan Bajwa case [Court on its Own Motion v. Gulshan Bajwa, 2006 SCC OnLine Del 1286] , SCC OnLine Del para 2)*

"2. … (a) Use of undesirable language as afore-noticed with an intention to malign the Court and to lower the dignity of the Court. The intention is obvious i.e. transferring of the cases in which he is the petitioner himself or counsel for the petitioner unless you are willing to pass favourable orders only in those cases, failing which the threats were extended to the various courts with dire consequences resulting from the curse written or otherwise of the said person. This amounts to apparent interference with the administration of justice and extending undesirable threats to the courts.

(b) Wild allegations are made in the transfer petitions filed by the said person without getting them signed from the petitioner concerned and in fact even without bringing it to the notice of the client as to what application was filed, obviously with an intention to hamper the administration of justice and making allegations in other cases,

wherein he was not a petitioner, to browbeat the courts and filing applications even without the knowledge and contents of the application being known to the petitioners in those cases.

(c) Extending threats in presence of the Court to Ms Rekha Palli, Advocate for the respondents of facing dire consequences in the case filed by the petitioner. This was done in presence of the Court and the threats extended were even overheard by a senior member of the Bar Mr Deepak Bhattacharya (Refer to order dated 17-8-2006)."

12. *The High Court categorically noted that the appellant has prima facie committed criminal contempt of court and the magnanimity shown to him has resulted in doing acts and omissions of graver nature, thus, treating the tolerance as weakness of administration of justice. The High Court held that the acts are intentional, malicious and have persisted over a long period and are now clearly interfering with the administration of justice and lowering the dignity of the Court.*

Submissions before this Court

15. *The appellant made the following submissions:*

Analysis

17. *At the outset, we note that the order [Court on its Own Motion v. Gulshan Bajwa, 2006 SCC OnLine Del 1286] impugned herein is a detailed one, which considers and answers each and every aspect of the matter. While imposing the punishment, the High Court relied on a decision of this Court to highlight that judicial independence ought to be protected from acts maligning the reputation of judicial officers [M.B. Sanghi, Advocate v. High Court of Punjab and Haryana, (1991) 3 SCC 600 : 1991 SCC (Cri) 897] . Further, the High Court also reiterated the finding of this Court, wherein it was highlighted that a contemnor ought to be punished with imprisonment for making libellous and motivated allegations against the Court and its Judges which interfere with the administration of justice [Pritam Pal v. High Court of M.P., 1993 Supp (1) SCC 529 : 1993 SCC (Cri) 356] . Furthermore, the High Court highlighted the importance of protecting and upholding the dignity of the Court and the majesty of the law as also observed previously by this Court [Ajay Kumar Pandey, Advocate, In re, (1998) 7 SCC 248] . We are in complete agreement with the decision of the High Court on the need to maintain the dignity and reputation of judicial officers and to protect them from motivated, libellous and unfounded allegations. We are also of the opinion that the*

High Court was correct in not accepting the apology tendered by the appellant since it was not bona fide and lacked in sincerity, apart from being belated and a mere "lip service".

21. *The appellant's conduct before the High Court and for that matter, even before this Court, amounts to undermining the system of the law and interfering with the course of justice administration. The High Court observed a pattern in the behaviour of the appellant. He has had a habit of misbehaving with a Bench which is not agreeing with him. The misbehaviour goes to the extent of casting aspersions and threatening the Judges hearing the matters.*

23. *Having considered the order [Court on its Own Motion v. Gulshan Bajwa, 2006 SCC OnLine Del 1286] impugned before us in detail and having perused the way the appellant has conducted the proceedings before this Court, and after giving our anxious consideration, we are of the opinion that the finding of conviction against the appellant warrants no interference. However, considering the age of the appellant and taking note of his submission that he is suffering from certain medical ailments, we modify the sentence imposed by the High Court from imprisonment for three months till the rising of the court.*

xxvii. Judgment of the Privy Council reported in LAWS(PVC)-1941-5-39 wherein at paragraph No.6 it has been held as under:

> ***"6*** *) It has been said, and I do not doubt it, that these petitions have been filed because it would facilitate an early disposal of the case, if the first accused were allowed to appear on behalf of the two accused who have fallen ill. The question however, is not one of expediency; it is one of principle. Rule 82 of the Criminal Rules of Practice states that Criminal Courts should, as a rule in cases where there are more accused than one, permit one of them to be authorised by another to appear, plead or act for him in the proceeding, provided that the authority is in writing and signed or contains the thumb impression of the party giving it and is filed in Court. The application to the Magistrate was not made under this rule. In fact the Court has been informed that it was expressly stated to the Magistrate that the application made by the first accused to be allowed to appear as counsel for the second and fourth accused was not intended to be made under this rule. If and when any such application is made it will be heard; but this rule certainly does not authorise a co-accused to appear as counsel in the case."*

10. He would also contend that he has filed an application vide I.A.No.4/2025 seeking for action against respondent No.2.

11. Per contra, learned High Court Government Pleader for respondent No.1 supports the continuation of criminal case by contending that majority of the grounds urged by the petitioner herein is a matter that needs adjudication and to be decided by the learned Trial Magistrate. Therefore, petition needs to be dismissed.

12. Learned counsel for respondent No.2 while adopting the arguments put forward by learned High Court Government Pleader, would contend that the contentions urged on behalf of the petitioner that the allegations found in the complaint as well as in the charge sheet are omnibus in nature is incorrect inasmuch as specific instances have been stated in the complaint which ultimately resulted in filing the charge sheet.

13. He would further contend that the contentions urged on behalf of the petitioner that the proceedings under the Domestic Violence Act having been closed, would not come to

the aid of the petitioner as the proceedings before the learned Trial Magistrate for the offence punishable under Section 498A of Indian Penal Code and other offences are distinct and at the most, the material evidence placed on record in other proceedings may be a relevant factor for the learned Trial Magistrate to consider and appreciate the rival contentions during the trial and same cannot be utilized by the petitioner to quash the pending criminal case and thus sought for dismissal of the writ petition.

14. In support of his arguments, he has placed reliance on the following judgments:

i. ***Renuka v. State of Karnataka*** reported in ***2025 SCC OnLine SC 970*** wherein at paragraph Nos.5, 9 and 16, it has been held as under:

> ***"5.*** *The in-laws assailed the proceeding2 before the High Court. A Single Judge partly allowed the petition and quashed the proceeding against the septuagenarian parents-in-law but permitted the proceeding to continue against other in-laws.*
>
> ***9.*** *Having perused the impugned judgment, we are of the view the judge erred in law by embarking upon an enquiry with regard to the credibility or*

otherwise of the allegations in the FIR/Chargesheet. The Judge compared the nature of assault described in the FIR vis-à-vis wound certificate and came to a finding that the allegations are untrue. In doing so, the Judge had undertaken a mini trial to quash the proceeding which is impermissible in law.

16. *The Judge also misdirected himself in coming to a finding that the proceeding was malicious and an abuse of the process of court as proceedings were pending before the matrimonial court. Offences involving cruelty on wife would invariably arise out of matrimonial disputes. Accordingly, pendency of matrimonial proceeding between the parties cannot per se lead to an inference that institution of criminal proceeding alleging assault supported by medical evidence and independent witness is a product of malice and abuse of court."*

ii. ***State of U.P. v. Akhil Sharda*** reported in ***(2023) 11 SCC 626,*** wherein at paragraph No.18, it has been held as under:

*"**8.** Having gone through the impugned judgment and order [Akhil Sharda v. State of U.P., 2020 SCC OnLine All 284] passed by the High Court by which the High Court has set aside the criminal proceedings in exercise of powers under Section 482CrPC, it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the*

application under Section 482CrPC. As observed and held by this Court in a catena of decisions no mini trial can be conducted by the High Court in exercise of powers under Section 482CrPC jurisdiction and at the stage of deciding the application under Section 482CrPC, the High Court cannot get into appreciation of evidence of the particular case being considered. (See Pratima [State of Odisha v. Pratima Mohanty, (2022) 16 SCC 703] ; Thom [CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135] ; Rajiv [Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330 : (2013) 3 SCC (Cri) 158] and Neeharika [Neeharika Infrastructure (P) Ltd. v. State of Maharashtra, (2021) 19 SCC 401] .)"

iii. State of Odisha v. Pratima Mohanty reported in ***(2022) 16 SCC 703*** wherein at paragraph No.8.2, it has been held as under:

"8.2. *It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under*

Section 482CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

iv. Dharambeer Kumar Singh v. State of Jharkhand reported in ***(2025) 1 SCC 392*** wherein at paragraph No.17 it has been held as under:

"17. *This Court in a series of judgments has held that while exercising inherent jurisdiction under Section 482 of the Criminal Procedure Code, 1973, the High Court is not supposed to hold a mini trial. A profitable reference can be made to the judgment in CBI v. Aryan Singh [CBI v. Aryan Singh, (2023) 18 SCC 399 : 2023 SCC OnLine SC 379] . Relevant paragraph from the judgment is extracted hereunder : (SCC paras 6-7)*

"6. … As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482CrPC, the Court is not required to conduct the mini trial. …

7. … At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has a very limited jurisdiction and is required to consider 'whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not'."

v. ***Gulshan Bajwa v. High Court of Delhi,*** *reported in* ***(2024) 19 SCC 297*** *wherein at paragraph Nos.2, 3, 10, 12 and 21 it has been held as under:*

"2. *By virtue of the impugned order, the High Court exercising its suo motu contempt jurisdiction, convicted the sole appellant herein, a practising advocate and a former army personnel, under the Contempt of Courts Act, 1971 ("the Act") and sentenced him to civil imprisonment of three months which was to run concurrently and a fine of Rs 2000, each in both the contempt cases.*

Facts in the lead matter

3. *On 17-8-2006, in a writ petition before the High Court, the appellant, appearing as counsel, sought an adjournment. After granting an adjournment, the Court noticed the appellant's conduct relating to giving threats to the lady counsel who was appearing for the other side. Thereafter, the High Court passed an order directing him to explain his conduct. The order is reproduced herein for ready reference:*

"Learned counsel for the petitioner states that he wishes to file some applications and requests for adjournment. Request is allowed.

At this stage, after the request for filing the applications was allowed, the learned counsel appearing for the petitioner while going back passed a comment on the lady Advocate opposing him in the case and appearing for the respondents. She brought it to the notice of the Court and we requested the counsel appearing for the petitioner to come back, which he did.

Learned counsel for the petitioner made a threatening remark to her, saying that now she be prepared for the consequences. Shri Dipak Bhattacharya (Advocate), who was also present in the Court duly confirmed that he overheard this remark being made to the lady Advocate appearing for the respondents.

We find this attitude of the counsel appearing for the petitioner to be undesirable and needs to be deprecated and dealt with in accordance with law. It is unfair for any counsel to give any threats to the counsel appearing on the other side, as all of them appear as officers of the Court and assist the Court or their respective clients. However, before we direct any further action or issue notice for contempt, the learned counsel for the petitioner

made a request and the case is directed to be listed for tomorrow.

List on 18-8-2006."

10. *This is a long-drawn case in which the appellant has been committing successive acts of contempt. There are about seven instances which the High Court has taken into account, where the conduct of the appellant came under scrutiny in different proceedings. In all those cases, the egregious act of contempt of the appellant was recorded. These instances in short are as follows:*

12*. The High Court categorically noted that the appellant has prima facie committed criminal contempt of court and the magnanimity shown to him has resulted in doing acts and omissions of graver nature, thus, treating the tolerance as weakness of administration of justice. The High Court held that the acts are intentional, malicious and have persisted over a long period and are now clearly interfering with the administration of justice and lowering the dignity of the Court.*

21*. The appellant's conduct before the High Court and for that matter, even before this Court, amounts to undermining the system of the law and interfering with the course of justice administration. The High Court observed a pattern in the behaviour of the appellant. He has had a habit of misbehaving with a Bench which is not agreeing with him. The*

misbehaviour goes to the extent of casting aspersions and threatening the Judges hearing the matters."

vi. ***H. Syama Sundara Rao v. Union of India,*** *reported in* ***2006 SCC OnLine Del 1392*** *wherein at paragraph Nos.14, 15, 16, 18 and 19 it has been held as under:*

> ***"14.*** *In Arun Kumar Krishnarao Balpande ((1996) 1 Mah LJ 491) (supra), it was held as under:*
>
> *"20. In the decision in the case of Mrs. Damayanti G. Chandiramani v. S. Vaney, reported in 1965 Mh LJ 541 : AIR 1966 Bom 19, the Division Bench of this Court held that disrespect or disregard to an advocate in certain circumstances so as to deter him from discharging his duties would amount to contempt of Court, and that would amount to a direct interference with the administration of justice But what we hasten to add, in a given case, when a threat is offered to an advocate which would pressurize him from appearing in a Court of law on behalf of his client, under law, would amount to interference of administration of justice."*
>
> ***15.*** *In Bhola Nath Chaudhary ((1961) 1 Cri LJ 134) (Pat) (supra), it was held as under:*
>
> *"If aspersions were cast upon an advocate of a party it might be that some of them had an effect intending to deter the advocate from continuing his duties for his client and in certain circumstances in*

embarrassing him in the discharge of those duties. Therefore comment upon an advocate which had reference to the conduct of his cases might amount to contempt of Court on exactly the same principle which was applicable with regard to the criticism of a judge or the judgment: AIR 1931 Cal 257 : ((1931) 32 Cri LJ 675) Ananta Lal Singh v. Alfred Henry Watson and AIR 1945 PC 134, Parashuram Detaram Shamdasani v. Emperor."

16. *In Mrs. Damayanti G. Chandiramani v. S. Vaney reported as AIR 1966 Bom 19 : (1966 Cri LJ 9), in the presence of the Court, the defendant threatened to prosecute the plaintiff's advocate for defamation in respect of statements made against him and it was found that the defendant had already started one prosecution for defamation against the advocate on account of similar statements in another case. While holding that considered as a whole, the words used by the defendant and his conduct amounted to contempt of Court as a threat was intended to operate upon the mind of the advocate so that he should flinch from performing his duties towards his client, it was observed as below:*

"Contempt of Court may be said to be constituted by any conduct that tends to bring the authority and administration of law into disrespect or disregard, or to interfere with or prejudice parties litigant or their witnesses during the litigation. Disrespect or

disregard to an advocate in certain circumstances so as to deter him from discharging his duties would amount to contempt of Court. Conduct which is intended or calculated to bring pressure upon a party, and his advocate, not to pursue the matter according to his choice, amounts to interference with the administration of justice, even though such threat is not direct in the sense that the contemner specifically asserted that he would take such action. If the context showed that the action contemplated was the action of the contemner himself, it is sufficient.

In order to amount to a threat, the language used need not necessarily be aimed at causing bodily injury or hurt. If it is calculated to injure the reputation so as to restrain the freedom of action of that person, it is sufficient. The essence of the matter is the course of conduct adopted by the contemner and not that the words amounted to a threat. It is enough if the conduct on the whole has a tendency to interfere with the course of administration of justice or to subvert the Court of justice. The nexus between the threat and the demand for doing some thing or refraining from doing something need not be express or need not be expressly stated. It is enough if from the context the link between the two is apparent. The sub sequent conduct of the contemner in so far as it

relates to the carrying out of the threat would, also be relevant……"

18. *Thus, it is crystal clear that casting aspersions and extending threats by issuing notices to the Advocate for the opposite side containing disparaging and derogatory remarks has the effect of deterring an Advocate from conducting his duties towards his client and embarrassing him in the discharge of his duties and thus amounts to contempt of Court on the very same principles which are applicable with regard to the criticism of a judge or a judgment as in each such instance, the tendency is to poison the fountain of justice, sully the stream of judicial administration, by creating distruct, and pressurizing the advocates as officers of the Court from discharging their professional duties as enjoined upon them towards their clients for protecting their rights and liberties.*

19. *The Courts are under an obligation not only to protect the dignity of the Court and uphold its majesty, but also to extend the umbrella of protection to all the limbs of administration of justice and advocates, while discharging their professional duties, also play a pivotal role in the administration and dispensation of justice. It is thus the duty of the Courts to protect the advocate from being cowed down into submission and under pressure of threat of menace from any quarter and thus abandon their clients by withdrawing pleas*

taken on then behalf or by withdrawing from the brief itself, which may prove fatal not only to the legal proceeding in question but also permit an impression to gain ground that adoption of such tactics are permissible or even acceptable. Failure to deal with such conduct and nip it in the bud shall result in the justice system itself taking a severe knocking, which tendency must be put down as it amounts to direct interference with the administration of justice and is, therefore, a contempt of a serious nature."

15. In reply, Sri.H.Manjunath, party-in-person would contend that there was a letter written by the respondent No.2 on 11.01.2010 wherein no such allegations as is found in the complaint or charge sheet has been alleged and if at all those allegations were to be true, letter dated 11.01.2010 could not have been written by respondent No.2 and thus sought for allowing the petition.

16. Having heard the arguments of both the sides, this Court perused the material on record meticulously.

17. On such perusal of the material on record, this Court noted that there is no dispute as to the marriage of the

petitioner with respondent No.2 which got solemnized on 10.03.2008 at 'Sri Kshetra Dharmasthala', Dakshina Kannada District as per the Hindu rites and customs so also the marriage reception that took place in the Grand Ashoka Hotel, Bengaluru is also not in dispute. On 13.03.2008, respondent No.2 joined the matrimonial home at Bannerghatta is also not in dispute.

18. After spending few days in the matrimonial home, petitioner took respondent No.2 to his residential flat at Mumbai. It is there, a rift took place as per the complaint. Complaint averments which has resulted in filing of the charge sheet has been taken note of by this Court wherein respondent No.2 alleges that the petitioner is having extra marital relationship which he had earlier to the marriage and still continues even after the marriage.

19. According to respondent No.2, there was also a specific demand of dowry not only by the petitioner but also by the parents of the petitioner.

20. Whether at all such demand was made by the petitioner or not and it is only with an intention to harass the

petitioner that respondent No.2 has stated so, cannot be decided this Court, at this stage, by holding a mini trial.

21. Suffice to say that the material allegations found against the petitioner and other two accused (accused No.2 having been no more and case stood abated) needs to be established in the trial by placing necessary material evidence on record.

22. Sri.H.Manjunath, with emphasise, reiterated the principles of law enunciated in ***Bhajan Lal*** supra. It is his case that four step verification to quash the case is to be considered. When such principles are applied, pending criminal case is nothing but gross abuse of process of law and needs to be quashed.

23. He would also contend that petitioner is being harassed by respondent No.2 and her parents and the material witnesses that has been cited in the charge sheet are also interested and hearsay witnesses and therefore, entire case of the prosecution is nothing but wild imagination of respondent No.2 which has to be considered by this Court as per the

settled principles of law referred to him including the judgment in ***Sushil Kumar*** supra.

24. In response to the same, learned counsel for respondent No.2 argued that mere pendency/disposal of the matrimonial proceedings would not *ipso facto* result in quashing of the criminal case if direct and distinct allegations are subject matter of the criminal case.

25. In that regard, he relied on the judgment of the Hon'ble Apex Court in the case of ***Renuka*** supra.

26. He specifically invited the attention of this Court to paragraph Nos.9 and 16 as referred to supra.

27. This Court having bestowed its best attention to the principles of law enunciated in the decisions relied on by learned counsel for the petitioner and learned counsel for the respondent No.2, took into consideration that number of proceedings are no doubt initiated by respondent No.2 against petitioner herein. The strained matrimonial relationship would usually result in filing number of cases.

28. Present case is a classic example of such strained matrimonial relationship.

29. In the case on hand, marriage got solemnized in the year 2008 and matrimonial relationship was strained within a short period of time and ultimately, the parties are living separately since the year 2010.

30. In this regard, letter dated 11.01.2010 that has been placed on record by the petitioner, assumes importance.

31. Contents of the said letter are extracted hereunder for ready reference:

> *"To,*
>
> *My Dearest Manjunath,*
>
> *Myself and our baby are doing well by the Grace of God*
>
> *I hope you are well too, and we pray for your good health. I miss you a lot and baby is dearly missing you and Craving for your love and affection.*
>
> *When I was Carrying your child you had brought me to my parents house about ten months ago for delivery and Our baby was born on the 17th June I was so happy to have your presence with me and our child during my*

delivery, even though it was for only three days. Though I longed for your presence for a longer time, I know you had to carry on with your activities in Mumbai. I was expecting you to Come often to see our child grow up and then take us with you to Mumbai. I was very disappointed that you could visit us only about three to four times, since our baby was born and for a very Short period.

As you know how loving, caring and affectionate I am to you with my whole world and life revolving only around you, and expected to share out love together with out new born baby so that she could grow with our love and affection.

I was very happy when you had ultimately taken me to your parents house in Bangalore on 25th December 2009. I was so joyful that we could now plan the future with our baby, but I was shocked that taken a back when your parents instead of rejoicing at their newborn grandchild, were very wild with me because of their certain demands with my parents.

As you know very well, my parents had done their rite during our wedding and also fulfilled a lot of your parents wishes till now. You know very well, my parents have always showed love and affection towards you and your family and would definitely do their best to keep us happy. But as you are also aware, they themselves are undergoing stressful days with my sister also keeping bad health and a lost of expenses to meet towards the same.

At this time of their bad times, it is only we who should atleast give them peace of mind instead of asking for more demands.

You see my dearest, now we have a child of our own, and it is time that we joining together to start our family and take care of our daughter to give her a fulfilling future. I beseech you to put aside any prejudice you have towards my parents and take us to Mumbai to your house. After all the problems are over for my parents. I am sure all our misunderstanding with be set right and both our families could have a togethness, which is essential for our child.

With lots of love and expectation from you to take use with you at the earliest."

32. Taking advantage of the contents of the said letter, it is the contention of the petitioner that on 11.01.2010, if there is no complaint against the petitioner by respondent No.2, how can there be complaint on 27.01.2010 is a question and therefore, entire allegations found in the complaint resulting in charge sheet is a wild imagination of respondent No.2.

33. No doubt, in the contents of the letter dated 11.01.2010; there are no allegations of demand of dowry or harassment. However, if the contents of the letter is taken into

consideration, in its true sense, all that respondent No.2 has narrated is to try to patch up the relationship between her and the petitioner herein.

34. When a wife is trying to patch up the relationship or make good the strained relationship, one cannot expect that such person would refer to such uncomfortable circumstances like demand of dowry or harassment etc.

35. Anyway, the contents of the letter dated 11.01.2010, is a valid defence that is available to the petitioner to be canvassed during the trial.

36. It is at that juncture, respondent No.2 is bound to answer as to why she did not refer about the alleged harassment, demand of dowry etc., in the letter dated 11.01.2010.

37. It is settled principles of law and requires no emphasis that the Court while dealing with a prayer of quashing of the pending criminal proceedings in writ jurisdiction, cannot hold a mini trial as same may prejudice the rights of the parties in the pending trial one way or the other.

38. In this regard, principles of law enunciated by the Hon'ble Apex Court in the case of ***Prashant Bharti v. State (NCT of Delhi)*** reported in ***(2013) 9 SCC 293*** needs to be taken into consideration.

39. The four step verification to quash the pending proceedings are culled out at paragraph No.22 of the said decision which reads as under:

> ***"22.*** *The proposition of law, pertaining to quashing of criminal proceedings, initiated against an accused by a High Court under Section 482 of the Code of Criminal Procedure (hereinafter referred to as "CrPC") has been dealt with by this Court in Rajiv Thapar v. Madan Lal Kapoor [Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330 : (2013) 3 SCC (Cri) 158] wherein this Court inter alia held as under: (SCC pp. 347-49, paras 29-30)*
>
> *"**29**. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching*

consequences, inasmuch as it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. *Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashing raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:*

30.1. *Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?*

30.2*. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?*

30.3*. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?*

30.4. *Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?*

30.5*. If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power*

vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

40. It is pertinent to note that Hon'ble Apex court did consider the principles of law enunciated in ***Bhajan Lal*** and in ***Prashant Bharti*** cases supra.

41. When we apply the principles of law enunciated in ***Prashant Bharti*** to the case on hand, they only impeccable document that is sought to be placed on record by the petitioner is the letter dated 11.01.2010.

42. In view of the discussion supra, in the considered opinion of this Court, the contents of the said letter referred to supra would not be of sterling or impeccable quality so as to quash the pending proceedings.

43. Demand of dowry, physical harassment (photographs have been annexed along with the statement of objections) mental harassment, non-joining of respondent No.2 with the petitioner after delivery of the baby girl by respondent

No.1, are all the matters which needs to be adjudicated by the learned Trial Magistrate by recording the evidence.

44. Likewise, the contentions urged on behalf of the petitioner that the witnesses cited by the prosecution are hearsay or interested witnesses is a matter of trial that needs to be taken note by the learned Trial Magistrate during the trial.

45. It is too premature for this Court to arrive at a finding that the material collected by the investigating agency would not be sufficient enough to direct the petitioner to stand for the trial.

46. It is to be noted that the parties are litigating from the year 2010. In the year 2026, the prayer for quashing of the criminal proceedings cannot be entertained by this Court. In fact the matter is pending before this Court from the year 2015 itself, shows that the petitioner herein is somehow interested in delaying the proceedings by one way or the other.

47. In fact, parties were also directed to appear before the mediator for mediating between the parties. Mediation also failed as could be seen from the report.

48. All these factors when viewed cumulatively, this Court is of the considered opinion that the material on record, would not be sufficient enough to quash the pending criminal proceedings.

49. Likewise, filing number of cases and 19 cases out of 21 cases ending in favour of the petitioner is a matter that needs to be taken note of by the learned Trial Magistrate at the end of the trial.

50. Lastly, petitioner contended that if any one of the allegations found in the charge sheet is held to be false or untrue, entire case of the prosecution must be thrown out. Said plea is also needs be considered by the learned Trial Magistrate in the trial.

51. In this regard, order in favour of the petitioner with regard to the allegation is the offence under Section 307 of Indian Penal Code being discharged which is not challenged either by the State or respondent No.2.

52. Mere discharge of one of the offences would not *ipso facto* result in a right for the petitioner to seek for quashing the pending proceedings.

53. As such, from the above discussion, this Court does not find any merit in any one of the grounds urged in the petition for quashing the pending proceedings.

54. Lastly, an application vide I.A.No.4/2025 is filed by the petitioner seeking for direction to initiate the criminal contempt proceedings against respondent No.2 for having concocted the documents.

55. In this regard, learned counsel for respondent No.2 places reliance on the settled principles of law and contended that no permission from the Advocate General is obtained and therefore, I.A.No.4/2025 is nothing but a tool to protract the proceedings.

56. Furthermore, the documents that are been placed on record by respondent No.2 are also certified copies. Therefore, concoction of the documents resulting in direction to

issue for initiating the criminal proceedings *per se* cannot be entertained by this Court, at this stage.

57. It is always open for the petitioner to take such action for initiation of the criminal complaint, if on adjudication; the documents that are relied on by respondent No.2 are concocted or false document.

58. As such, following:

ORDER

i. Petition is ***dismissed***.

ii. Observations made by this Court, in the body of this order, shall not affect the rights of petitioner or respondent No.2 in any manner, in the pending trial, one way or the other.

iii. In view of the dismissal of the petition, pending interlocutory applications are consigned to records.

Sd/-
(V SRISHANANDA)
JUDGE

KAV/List No.: 1 Sl No.: 22