IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1126 of 2026
Reserved on: 02.11.2026
Date of Decision: 20.11.2026.

Manjeet Kaur and others ...Petitioners

Versus

State of H.P. & Others ...Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] ***No.***

For the Petitioners : Mr Rajesh Kumar, Advocate.

For Respondents No. 1 &2 : Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioners have filed the present petition for quashing of FIR No. 06 of 2026, dated 23.01.2026, registered at Police Station Tahliwal, District Una, H.P. for the commission of offences punishable under Section 85 read with Section 3 (5) of Bhartiya Nyaya Sanhita (BNS) and the consequential proceedings arising out of it. (*The parties shall hereinafter be referred to in the*

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

same manner as they were arrayed before the trial Court for convenience).

2. Briefly stated, the facts giving rise to the present petition are that the informant, Poonam, was married to Vikramjeet Singh as per Hindu Rites and Customs on 31st October 2018. Her parents provided Stridhan to her at the time of her marriage, as per their capacity. Her mother-in-law, Roshni Devi, kept her jewellery with her, saying that she would keep it safely. She failed to return the jewellery to the informant. The informant's husband, Vikramjeet, mother-in-law, Roshni Devi, brothers-in-law, Lovepreet and Gurpreet started harassing her on trivial matters. Her husband failed to provide any maintenance to her. He told the informant that Lovepreet wanted to go to Canada and would take his family members with him. He demanded ₹40,00,000/- from the informant. The informant's father expressed his inability to provide ₹40,00,000/- and offered to pay ₹4-5 lakhs. Vikramjeet, Lovepreet, Gurpreet and Roshani Devi started torturing and taunting the informant by commenting on her looks, her family members' financial conditions and the informant's inability to cook food. They told her on 14th June 2023 that she would be turned out of her matrimonial home in case of

failure to bring ₹ 40,00,000 from her parents. Shiv Dayal, the mediator, also tried to counsel the petitioners, but they persisted with their demands. They asked the informant's father to take the informant with him. She was compelled to leave her matrimonial home with her minor daughter. Vikramjeet demanded money from the informant on 20th and 22nd December 2025. Roshni Devi used to keep the informant locked in her matrimonial home during her pregnancy. She, Lovepreet and Gurpreet were not permitting the informant to visit her matrimonial home. The informant reported the matter to the police. The police registered the FIR and investigated the matter

3. Being aggrieved by the registration of the FIR, the petitioners have filed the present petition asserting that the allegations contained in the FIR are vague and do not disclose the essential ingredients of the offence. The allegations have been made against the family members collectively without specifying the person who had made a demand, the exact words used, the place of occurrence and the circumstances in which a demand was made. The other allegations in the FIR are also general and vague. The particulars of the jewellery were not given in the FIR. Lovepreet and Gurpreet were not residing in the informant's

matrimonial home, and they were residing at Vapi during the relevant period. Vikramjeet left India on 29th July 2023 and has not returned. WhatsApp conversations between the parties and the photographs of the family function show that the relationship between them was normal. The informant is an advocate and well conversant with the law. She is habitual of making false allegations, and she had also made similar allegations earlier. The continuation of the proceedings against the petitioners amounts to abuse of the process of the law. Therefore, it was prayed that the present petition be allowed and the FIR and the consequential proceedings arising out of the FIR be quashed.

4. I have heard Rajesh Kumar, learned counsel for the petitioners and Mr Ajit Sharma, learned Deputy Advocate General for the respondents No.1 and 2, State.

5. Mr Rajesh Kumar, learned counsel for the petitioners, submitted that the allegations in the complaint made to the police, even if accepted to be correct, do not constitute the commission of any cognisable offence. The allegations are vague and not sufficient to proceed against the petitioners. The WhatsApp conversation and the photographs show the normal relationship

between the parties. The informant is an advocate, and she has misused her position to file a false complaint against the petitioners. Therefore, he prayed that the present petition be allowed, and the FIR and the consequential proceedings arising out of it be quashed.

6. Mr Ajit Sharma, learned Deputy Advocate General, for the respondents No.1 and 2/State, submitted that the petitioners had harassed the informant for bringing insufficient dowry. They turned her out of her matrimonial home when she was unable to fulfill their demand. The inherent jurisdiction is to be exercised sparingly, and no case is made out for the exercise of the inherent jurisdiction. Therefore, he prayed that the present petition be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. The law relating to quashing of criminal cases was explained by the Hon'ble Supreme Court in ***B.N. John v. State of U.P., 2025 SCC OnLine SC 7*** as under: -

> "**7.** As far as the quashing of criminal cases is concerned, it is now more or less well settled as regards the principles to be applied by the court. In this regard, one may refer to the

decision of this Court in ***State of Haryana v. Ch. Bhajan Lal, 1992 Supp (1) SCC 335,*** wherein this Court has summarised some of the principles under which FIR/complaints/criminal cases could be quashed in the following words:

> **"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 a private and personal grudge." *(emphasis added)*

8. Of the aforesaid criteria, clause nos. (1), (4) and (6) would be of relevance to us in this case.

In clause (1), it has been mentioned that 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, then the FIR or the complaint can be quashed.

As per clause (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 dated by the Magistrate as

contemplated under Section 155 (2) of the CrPC, and in such a situation, the FIR can be quashed.

Similarly, as provided under clause (6), if there is an express legal bar engrafted in any of the provisions of the CrPC or the concerned Act under which the criminal proceedings are instituted, such proceedings can be quashed."

9. This position was reiterated in ***Ajay Malik v. State of Uttarakhand, 2025 SCC OnLine SC 185,*** wherein it was observed:

> "**8.** It is well established that a High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice.
>
> **9.** It is in this backdrop that this Court, over the course of several decades, has laid down the principles and guidelines that High Courts must follow before quashing criminal proceedings at the threshold, thereby pre-empting the Prosecution from building its case before the Trial Court. The grounds for quashing, *inter alia*, contemplate the following situations: (***i***) the criminal complaint has been filed with *mala fides*; (***ii***) the FIR represents an abuse of the legal process; (***iii***) no *prima facie* offence is made out; (***iv***) the dispute is civil in nature; (***v***) the complaint contains vague and omnibus allegations; and (***vi***) the parties are willing to settle and compound the dispute amicably (***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***)

10. The present petition has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

11. It was laid down by the Hon'ble Supreme Court in ***Neelu Chopra v. Bharti, (2009) 10 SCC 184: (2010) 1 SCC (Cri) 286: 2009 SCC OnLine SC 1693*** that the Court has to see that particulars of the offences committed by every accused and the role played by the accused in committing the offence are given in the complaint made to the police. It was observed: -

> "**9.** *To lodge a proper complaint, the mere mention of the sections and the language of those sections is not the be-all and end-all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing that offence.*
>
> **10.** When we see the complaint, it is sadly vague. It does not show which of the accused has committed what offence, and what is the exact role played by these appellants in the commission of the offence. It could be said that something is against Rajesh, as the allegations are made against him more precisely, but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a vague and general complaint which is silent about the precise acts of the appellants." (Emphasis supplied)

12. Similarly, it was held in ***Abhishek v. State of M.P., 2023 SCC OnLine SC 1083: 2023 INSC 779*** that the tendency of false

implication by way of general omnibus allegations, if left unchecked, would result in the misuse of the process of law. It was observed:

> "**13.** Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents abound on this score. We may now take note of some decisions of particular relevance. Recently, in ***Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599],*** this Court had occasion to deal with a similar situation where the High Court had refused to quash an FIR registered for various offences, including Section 498A IPC. *Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law*. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife, and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused, and such an exercise ought to be discouraged.
>
> **14.** ***In Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667]***, this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. *It was observed that 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, such as allegations of harassment by the husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, which would add an entirely different complexion, and such allegations would have to be scrutinised with great care and circumspection.*
>
> **15.** Earlier, in ***Neelu Chopra v. Bharti [(2009) 10 SCC 184]***, this Court observed that the mere mention of statutory provisions and the language thereof for lodging a complaint is not the 'be all and end all' of the matter, as *what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence*. These observations were made in the context of a matrimonial dispute involving Section 498A IPC." (Emphasis supplied)

13. It was held in ***Achin Gupta v. State of Haryana, 2024 SCC OnLine SC 759:2024 INSC 369*** that asking a person to face criminal allegations without any specific instance of criminal misconduct amounts to an abuse of the process of the Court. It was observed:

> **"18.** The plain reading of the FIR and the chargesheet papers indicates 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 fit to drop the proceedings against the other members of the Appellants' family. Thus, we are of the view that the FIR lodged by Respondent No. 2 was nothing but a counterblast to the divorce petition & also the domestic violence case.

> **25.** *If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.*" (Emphasis supplied)

14. It was further held that in matrimonial disputes, the parents, including the close relatives, make a mountain out of a molehill, and every matrimonial conduct amounting to nuisance does not constitute cruelty. It was observed: -

> "**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 every possible endeavour 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 the destruction of the marriage over trivial issues. The first thing that comes to mind for the wife, her parents and her relatives is the Police, as if the police are the panacea for all evil. No sooner does the matter reach the Police than, even if there are fair chances of reconciliation between the spouses, they are destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance of each other's faults, to a certain bearable extent, has to be inherent in every marriage. Petty quibbles and 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 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 hyper-sensitive approach would prove to be disastrous for the very institution of marriage. In matrimonial disputes, the main sufferers are the children. The spouses fight with such venom in their hearts that they do not think even for a second that if the marriage were to come to an end, then what would 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 to ransom so that he could be squeezed by the wife at the instigation of her parents, relatives or friends. In all cases where the wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct which may cause annoyance to the other may not amount to cruelty. Mere trivial irritations and quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty"

15. Similarly, it was held in ***Mamidi Anil Kumar Reddy v. State of A.P., 2024 SCC OnLine SC 127: 2024 (2) SCR 252*** that the phenomenon of false implication by a general omnibus allegation in the case of a matrimonial dispute is not unknown to the Court.

When the allegations are general and omnibus, the prosecution should not be continued. It was observed: -

> "**14.** In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not *prima facie* make out a case against the Appellants. The material on record neither discloses *any* particulars of the offences alleged nor discloses the specific role/allegations assigned to *any* of the Appellants in the commission of the offences.
>
> **15.** The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In ***Kahkashan Kausar alias Sonam* v. *State of Bihar (2022) 6 SCC 599***, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.
>
> xxxx
>
> **17.** Considering the dicta in ***Mahmood Ali*** (supra), we find that the High Court, in this case, has failed to exercise due care and has mechanically permitted the criminal proceedings to continue despite specifically finding that the allegations are general and omnibus in nature. The Appellants herein approached the High Court on *inter alia* grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by Respondent No. 2. In these peculiar circumstances, the High Court had a duty to consider the allegations with great care and

circumspection so as to protect against the danger of unjust prosecution."

16. This position was reiterated in ***Geddam Jhansi v. State of Telangana, 2025 SCC OnLine SC 263,*** wherein it was observed:

> "**31.** Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when the specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. The institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, the preservation of family relationships has always been emphasised. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings, rupturing the family bond, courts should be circumspect and judicious and should allow invocation of the criminal process only when there are specific allegations with supporting materials that clearly constitute criminal offences.
>
> **32.** We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such, in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged

incident of harassment, which, in our view, cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high, and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in the domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the house and not in the public gaze. Therefore, such violence is not noticed by the public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like the Protection from Domestic Violence Act, 2005, have been enacted with a very expansive meaning and scope of what amounts to domestic violence. Since violence perpetrated within the domestic sphere by close relatives is now criminalised, entailing serious consequences for the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship that is founded on the basis of cordiality and trust to turn sour to an extent that a partner would hurl allegations of domestic violence and harassment against the other partner would normally not happen at the spur of the moment, and such an

> acrimonious relationship would develop only in the course of time. Accordingly, such a situation would be the culmination of a series of acts that turn, otherwise, an amicable relationship into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators into the criminal proceedings sought to be initiated against them. Thus, mere general allegations of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.
>
> **35.** We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who is accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated on the victim and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without *prima facie* evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence would amount to abuse of the process of law."

17. The present petition has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

18. The informant had specifically mentioned in the complaint made to the police that her *stridhan*/jewellery was kept by her mother-in-law, Roshni Devi, by saying that she would keep it safely, and she failed to return it to the informant. It was laid down by the Hon'ble Supreme Court in ***Mulakala Malleshwara Rao v. State of Telangana*, *(2024) 16 SCC 35: 2024 SCC OnLine SC 2285,*** that Stridhan belongs to the informant and retaining it constituted an offence punishable under Section 406 of the IPC. It was observed at page 38:

> **13.** The sum and substance of the present dispute lies in the father's right over the gifts, i.e. "*stridhan*" given by him to his daughter at the time of marriage. The generally accepted rule, which has been judicially recognised, is that the woman exercises an absolute right over the property. We may refer to ***Pratibha Rani v. Suraj Kumar [Pratibha Rani v. Suraj Kumar, (1985) 2 SCC 370: 1985 SCC (Cri) 180 : (1985) 155 ITR 190]***, wherein a Bench of three Judges observed: (SCC pp. 376-77, paras 6-7)
>
> > "*6*. To the same effect is *Maine's Treatise on Hindu Law* at p. 728. The characteristics of Saudayika have also been spelt out by *Mulla's Hindu Law* at p. 168 (Section 113), which gives a complete list of the stridhan property of a woman both before and during coverture, which may be extracted thus:
> >
> > '113. *Manu enumerates six kinds of stridhana*:
> >
> > 1. Gifts made before the nuptial fire, explained by Katyayana to mean gifts made at the time of marriage before the fire which is the witness of the nuptial (adhyagni).

2. Gifts made at the bridal procession, that is, says Katyayana, while the bride is being led from the residence of her parents to that of her husband (adhyavanhanika).

3. Gifts made in token of love, that is, says Katyayana, those made through affection by her father-in-law and mother-in-law (pritidatta), and those made at the time of her making obeisance at the feet of elders (pada-vandanika).

4. Gifts made by father.

5. Gifts made by mother.

6. Gifts made by a brother.'

7. It is, therefore, manifest that the position of stridhan of a Hindu married woman's property during coverture is absolutely clear and unambiguous; *she is the absolute owner of such property and can deal with it in any manner she likes* — she may spend the whole of it or give it away at her own pleasure by gift or will without any reference to her husband. Ordinarily, the husband has no right or interest in it, with the sole exception that in times of extreme distress, as in famine, illness or the like, the husband can utilise it, but he is morally bound to restore it or its value when he is able to do so. It may be further noted that this right is purely personal to the husband and the property so received by him in marriage cannot be proceeded against even in execution of a decree for debt."(emphasis supplied)

14. The position of the wife or woman being the sole authority in respect of "*stridhan*" stands emphatically stated in ***Rashmi Kumar v. Mahesh Kumar Bhada [Rashmi Kumar v. Mahesh Kumar Bhada, (1997) 2 SCC 397: 1997 SCC (Cri) 415]*** in the following terms: (SCC pp. 405-406, paras 9-10)

"*9. A woman's power of disposal, independent of her husband's control, is not confined to saudayika but extends to other properties as well.* Devala says: 'A woman's maintenance (*vritti*), ornaments, perquisites (*sulka*), gains (*labha*), are her stridhana. She herself has the exclusive right to enjoy it. Her husband has no right to use it except in distress....' In N.R. Raghavachariar's *Hindu Law — Principles and Precedents* (8th Edn.), edited by Prof. S. Venkataraman, one of the renowned Professors of Hindu Law, para 468 deals with "Definition of Stridhana". In para 469, dealing with "Sources of acquisition", it is stated that the sources of acquisition of property in a woman's possession are: gifts before marriage, wedding gifts, gifts subsequent to marriage, etc. Para 470 deals with "Gifts to a maiden". Para 471 deals with "Wedding gifts", and it is stated therein that properties gifted at the time of marriage to the bride, whether by relations or strangers, either Adhiyagni or Adhyavahanika, are the bride's stridhana. In para 481 at p. 426, it is stated that ornaments presented to the bride by her husband or father constitute her stridhana property. In para 487, dealing with "powers during coverture", it is stated that saudayika, meaning the gift of affectionate kindred, includes both Yautaka or gifts received at the time of marriage, as well as its negative, Ayautaka. *In respect of such property, whether given by gift or will, she is the absolute owner and can deal with it in any way she likes. She may spend, sell or give it away at her own pleasure.*

10. It is thus clear that the properties gifted to her before the marriage, at the time of marriage or at the time of giving farewell or thereafter are her stridhana properties. It is her absolute property, with all rights to dispose of it at her own pleasure. He has no control over her stridhana property. Husband may use it during the time of his distress, but he has a moral obligation to restore the same or its value to his wife. Therefore, stridhana property does not become a joint property of the wife, and the husband has no title or

> *independent dominion over the property as owner thereof*." (emphasis supplied)
>
> ***Pratibha Rani [Pratibha Rani v. Suraj Kumar, (1985) 2 SCC 370: 1985 SCC (Cri) 180 : (1985) 155 ITR 190]*** stands followed recently in ***Maya Gopinathan v. Anoop S.B. [Maya Gopinathan v. Anoop S.B., (2024) 16 SCC 45***]
>
> **15.** Noticeably, the position of law has remained consistent throughout since 1985, till date, regarding the sole authority of the woman in respect of her "*stridhan*" as has also been held recently in ***Mala Kar v. State of Uttarakhand [Mala Kar v. State of Uttarakhand, 2024 SCC OnLine SC 1049]***, wherein a decree of divorce stood passed inter se the parties on 18-10-2014, and FIR was filed on 6-4-2015, the appellant's request for the respondent to pay a sum of Rs 10 lakhs in full and final settlement of all claims, including "*stridhan*" was accepted, and the former husband was directed to pay such amount.
>
> **16.** As evidenced from the above, the jurisprudence as has been developed by this Court is unequivocal with respect to the singular right of the female (wife or former wife), as the case may be, being the sole owner of "*stridhan*". It has been held that a husband has no right, and it has to then be necessarily concluded that a father too has no right when the daughter is alive, well, and entirely capable of making decisions such as pursuing the cause of the recovery of her "*stridhan*".

19. The informant made specific allegations against the petitioners that they demanded ₹ 40,00,000/- from the informant's father for sending Lovepreet to Canada. When the informant's father expressed his inability to provide the money, the petitioners started taunting and harassing the informant and threatened to turn her out of her matrimonial home in case of

failure to bring the money. She was compelled to leave her matrimonial home along with her minor daughter. All these allegations, *prima facie*, show the commission of an offence punishable under Section 85 read with Section 3 (5) of BNS.

20. It was submitted that the allegations in the complaint are false. This submission will not help the petitioners. The Court exercising inherent jurisdiction does not go into the validity or otherwise of the allegations and has to treat them as correct. This position was laid down by the Hon'ble Supreme Court in ***Punit Beriwala v. State (NCT of Delhi), 2025 SCC OnLine SC 983,*** wherein it was observed: -

> "29. It is settled law that the power of quashing a complaint/FIR should be exercised sparingly with circumspection, and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct. It has been repeatedly held that, save in exceptional cases where non-interference would result in a miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used routinely according to its whims or caprice."

21. This position was reiterated in ***Pramod Kumar Shukla v. State of U.P., 2026 SCC OnLine SC 1661*** wherein it was observed:

> **47.** It is well settled that while exercising jurisdiction under Section 482 of the Cr. P.C., the Court is concerned only with

> whether the allegations contained in the FIR, taken at their face value and accepted in their entirety, disclose the commission of a cognizable offence. At that stage, the Court does not embark upon an enquiry into the correctness, reliability or probative value of the material relied upon by either side. This principle stands authoritatively settled in ***Bhajan Lal*** (supra) and has been consistently reaffirmed in ***Neeharika Infrastructure (P) Ltd*** (supra).

22. Therefore, the court has to take the allegations in the FIR to be correct.

23. A heavy reliance was placed upon various documents filed with the petition to submit that they show that the relationship between the parties was normal. It was laid down by the Hon'ble Supreme Court in ***Rajiv Thapar v. Madan Lal Kapoor*, *(2013) 3 SCC 330: 2013 SCC OnLine SC 83*** that the authenticity of the documents produced before the Court exercising the inherent jurisdiction is to be determined before they can be relied upon. It was observed at page 348:

> **30.** Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment 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, the 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), especially when it is clear that the same would not conclude in the conviction of the accused.

24. In the present case, reliance has been placed upon the photocopies of the documents, the printout of WhatsApp conversation, photographs and the audio recording. However, there is nothing on record to show that these documents are authentic, and no reliance can be placed upon them. Further, some photographs and some recordings are not sufficient to disprove the allegations in the FIR. Moreover, it is impermissible to carry out a mini-trial to determine the correctness or otherwise of the

allegations made in the FIR. It was laid down by the Hon'ble Supreme Court in ***Maneesha Yadav v. State of U.P., 2024 SCC OnLine SC 643,*** that the Court cannot conduct a mini-trial to determine the genuineness of the allegations. It was observed: -

> "**13.** As has already been observed hereinabove, the Court would not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint at the stage of quashing of the proceedings under Section 482 Cr. P.C. However, the allegations made in the FIR/complaint, if taken at their face value, must disclose the commission of an offence and make out a case against the accused. At the cost of repetition, in the present case, the allegations made in the FIR/complaint, even if taken at their face value, do not disclose the commission of an offence or make out a case against the accused. We are of the considered view that the present case would fall under Category-3 of the categories enumerated by this Court in the case of ***Bhajan Lal (supra)***.
>
> **14.** We may gainfully refer to the observations of this Court in the case of ***Anand Kumar Mohatta v. State (NCT of Delhi), Department of Home (2019) 11 SCC 706: 2018 INSC 1060***:
>
> > "**14.** First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge sheet is filed, the petition for quashing of the FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in ***Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23]***. In ***Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23,*** this Court, while deciding the question of whether the High Court could entertain the Section 482 petition for quashing of the FIR when the charge-sheet was

filed by the police during the pendency of the Section 482 petition, observed: (SCC p. 63, para 16)

> "*16.* Thus, the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge [***Joseph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365***] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not."

25. It was laid down by the Hon'ble Supreme Court in ***Dharambeer Kumar Singh v. State of Jharkhand, (2025) 1 SCC 392: 2024 SCC OnLine SC 1894*** that the Court cannot conduct a mini-trial while exercising jurisdiction under section 482 of CrPC. It was observed at page 397:

> "**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***]. The 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 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'.

26. Therefore, it is impermissible for this Court to conduct a mini-trial to determine the correctness or otherwise of the allegations made in the FIR.

27. No other point was urged.

28. In view of the above, the present petition fails, and it is dismissed.

29. The observations made hereinbefore shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

20th November, 2026
(Chander)