



2026:DHC:116



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

%

*Reserved on: 16th October, 2025
Pronounced on: 08th January, 2026*

+

W.P. (CRL) 353/2024, CRL.M.A.3284/2024

1. **ADITYA MOHAN NIGAM**

S/o Sh. Ashok Nigam
R/o Flat no. 66 A, Pocket-IV,
Mayur Vihar, Phase-I,
Delhi-110092
Email: adityanigam1@gmail.com
Mobile: 9899063164

2. **ASHOK NIGAM**

s/o Late Sh. M.L. Nigam
R/o House no. Q-2A, Hauz Khas Enclave
New Delhi-110016

.....Petitioners

Through: Ms. Shobhana Takiar with Mr.
Shivam Takiar, Mr. Kuljeet
Singh, Mr. Prateek Dhir,
Advocates.

versus

1. **THE STATE (NCT OF DELHI)**

SHO P.S. HAUZ KHAS
Through its Secretary,
Delhi Secretariate,
Players' Building, I.P. Estate,
New Delhi

2. **KAVITA NIGAM**

W/o Sh. Aditya Mohan Nigam
R/o B-1289, Palam Vihar,
Gurgaon, Haryana
Email: kvtgogia@gmail.com
Mobile: 9873549812

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the

W.P. (CRL) 353/2024

Page 1 of 25

Signature Not Verified

Digitally Signed By:ANIL
KUMAR BHATT
Signing Date:09.01.2026
11:13:13



2026:DHC:116



State. Respondent No. 2, Ms.
Kavita Nigam (through VC)

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) filed on behalf of the **Petitioners/Aditya Mohan Nigam and Ashok Nigam** seeking **quashing of the FIR No. 467/2016 dated 18.05.2016** at PS Hauz Khas under Sections 498A/406/34 Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) and all consequential proceedings thereto.
2. It is submitted that the Petitioners are law abiding citizens and have been falsely implicated in the FIR No. 467/2016 which is based on the Complaint dated 08.09.2015 filed by the Respondent No.2/Kavita, which is pending adjudication before the Court of Ld. MM-02 Mahila Court, New Delhi.
3. The **facts of the case** are that the Respondent No.2/Kavita was married to Petitioner No.1/Aditya Mohan Nigam on 30.05.2009, according to Hindu rites and customs. On 15.04.2011, the Respondent-Wife moved out of the house of the parents of the Petitioner-Husband and shifted to her parental house at *B-1289, Palam Vihar, Gurgaon*.
4. ***The Petitioners have asserted that*** the Respondent-Wife, without any justification, left the matrimonial home and shifted to her parents' residence in Gurgaon. In May, 2011, the Respondent-wife filed a Petition bearing CC

W.P. (CRL) 353/2024

Page 2 of 25



No. 216/2011 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “DV Act”) seeking reliefs under Sections 18, 19 and 20, against the Petitioner-Husband and his family. The Petitioners claim that this Complaint was clearly intended to use criminal proceedings as a tool to harass, humiliate and extort money and a house in South Delhi from the Petitioner.

5. The identical allegations were raised in the Complaint filed before the CAW Cell, which resulted in FIR No. 467/2016 dated 18.05.2016 under Sections 498A/406/34 IPC against the husband, father-in-law and mother-in-law. The allegations in the DV Complaint and in CR Case No. 2364/2017 arising from the Section 498A/406 case are identical and omnibus. This Complaint was clearly intended to use criminal proceedings in CR Case 2364/2017 as a tool to harass, humiliate and extort money and a house in South Delhi from the Petitioner.

6. Petitioner No.1 asserts that owing to the Respondent’s continuous cruel behaviour, he was compelled to leave his parents’ home and began residing in a rented accommodation in Malviya Nagar, and later in Gurgaon, near his workplace. The Petitioner-Husband states that he attempted to resolve the marital dispute through the Mediation Centre. However, due to the Respondent-Wife and her family’s persistent non-participation, the mediation could not proceed and the Petitioner ultimately withdrew from the process.

7. In light of the above circumstances, the Petitioner-Husband filed a **Divorce Petition** against the Respondent-Wife, which is presently pending adjudication before the Ld. Family Court, Saket.



8. During the pendency of the DV Act proceedings and the Divorce case, the Respondent-Wife's mother demanded a sum of Rs. 50 lakhs, on 08.08.2011. The matter was again referred to mediation, but the Respondent again backed out, stating that she would not settle unless she was given a two-bedroom flat in South Delhi in her name in addition to monetary payment, after which she would "consider" a settlement. The mediation thus, did not succeed.

9. On 11.11.2012, after having left the matrimonial home since 18 months, the Respondent-Complainant with two unknown persons, suddenly entered the residence of the Petitioner's parents without their consent, and threatened the Petitioner and his family members with dire consequences, including implicating them in false criminal cases. The Petitioner's parents, being senior citizens, immediately made a call at 100, but no action was taken by the police. On 11.11.2012, after entering the house of the Petitioner's parents, the Respondent-Wife stated before the SHO, that she had entered the premises of her own free will. She further clarified that she did not want any action to be taken against them.

10. It is asserted that the Complaint under Section 12 DV Act, became infructuous and not-maintainable, as she herself admitted she was not aggrieved by any actions of the Petitioners. She was residing and was being fully maintained by the Petitioner's parents; nevertheless, with a *mala fide* intent to extort money from the Petitioner and his family, she continued with the DV petition, leading to the impugned Orders.

11. On multiple occasions, the Petitioner's parents were forced to lodge Complaints with the DCP, South District, Hauz Khas, as Respondent No. 2 repeatedly abused the Petitioner's parents, brother, and sister-in-law, which



form part of the trial court record in the DV Act proceedings and were duly proved. The Petitioner's family in fact, became victims of domestic violence at the hands of the Respondent-Wife.

12. The Respondent-Wife also engaged in acts of domestic violence against her in-laws and the younger daughter-in-law. Consequently, the younger daughter-in-law (the Petitioner's *bhabhi*) filed a Complaint under Section 12 DV Act, in which the Respondent-Wife undertook not to create nuisance, *vide* Order dated 01.10.2015.

13. In the DV Act proceedings, the Ld. MM *vide* Order dated 17.07.2020, after considering the entire evidence, held that there was no ill-will between the Respondent-Wife and her parents-in-law, and that she had failed to prove any act of domestic violence by them. Accordingly, ***the parents-in-law were discharged.*** Reliefs under Sections 18 and 19 DV Act were rejected. ***However, the Ld. MM granted monetary relief against the Husband under Section 20 and compensatory relief under Section 22 DV Act.***

14. The Petitioner's parents filed a *Suit for Possession and Injunction* October, 2014, which was decreed on 01.12.2021. The Respondent-Wife challenged the Decree by filing ***RFA No. 16/2022***, in which ***no interim relief was granted to her. In the Execution proceedings, Respondent No. 2 has already been evicted.***

15. The *Divorce Petition under Section 13(1)(ia) Hindu Marriage Act, 1955* filed by the Petitioner-Husband in May 2011, was allowed and ***Divorce was granted vide Order dated 22.01.2025 by the Ld. Principal Judge, Family Courts, Saket.***



16. The grounds taken by the Petitioners for quashing of the *FIR No. 467/2016 under Sections 498A/406/34 IPC* are that *domestic violence* refers to conduct that violates one's sense of safety within the home, whereas in this case, it was the Petitioner's family who lived in fear due to the Respondent's conduct. The Complainant could not establish any incident of domestic violence or deprivation of financial resources, and no relief under Sections 18 or 19 of the DV Act was granted, showing that the allegations are unfounded.

17. Furthermore, it was the conduct of the Respondent herself which caused fear of implication in false cases and insecurity which compelled the Petitioner's family members to leave their home, especially during COVID, to avoid further false cases.

18. It is submitted that Section 498A IPC proceedings in the seventh year of marriage, after five years of DV litigation, clearly indicates malice and personal vendetta, rather than any genuine offence. Even accepting the complaint at face value, the ingredients of Section 498A IPC are not made out, and therefore, the FIR deserves to be quashed.

19. In the case of Resaul Islam & Anr. vs. State of West Bengal, MANU/WB/1599/2010 held that mere allegations of assault, without proof of cruelty or unlawful demand, do not constitute an offence under Section 498A IPC. Similar observations have been made in the case of Manju Ram Kalita vs. State of Assam, MANU/SC/0911/2009: (2009) 13 SCC 330.

20. Reliance has been placed on Nagawwa vs. Veeranna and reaffirmed in Pratibha Rani vs. Suraj Kumar, wherein it was held that at the stage of quashing, the court must rely solely on the Complaint and accompanying documents to ascertain if these do not disclose any offence.



21. Reliance is also placed on the case of Chandralekha vs. State of Rajasthan, (2013)14 SCC 374 wherein the Apex Court had held that vague, omnibus allegations without specific roles justify quashing of FIR.

22. It is further submitted that Section 498A was enacted to curb dowry harassment, but its misuse amounts to “*legal terrorism*.” Allegations must be supported by credible evidence, which is completely absent in this case.

23. Reliance is placed on the case of State of Haryana vs. Bhajan Lal, wherein the Apex Court held that when *allegations do not constitute an offence* or when proceedings are *mala fide*, the proceedings must be quashed.

24. Similar observations were made in the case of Arif Ali vs. State of West Bengal, MANU/WB/1833/2019 and in the case of State of U.P. vs. V.R.K. Srivastava.

25. Hence, a prayer is made seeking quashing of FIR No. 467/2016 dated 18.05.2016 under Section 498A/406/34 IPC.

26. **Status Report has been filed on behalf of the Respondent/State dated 04.03.2024** the facts of the present case have been detailed.

27. All the accused persons had obtained Anticipatory Bail on 09.08.2016. The Chargesheet was filed before the Court on 24.06.2017 which is pending trial and is at the stage of “**Charge**”.

28. **Respondent No.2/Wife** appeared through Video-Conferencing on last date of hearing, but no formal response was filed by her.

Submissions heard and record perused.



Allegations under Section 498A IPC:

29. The present Petition seeks quashing of the FIR filed under Section 498A/406/34 IPC.

30. Before embarking on the facts of the case, it would be fruitful to first understand the contours of Section 498A IPC, which is reproduced as under:

“Section 498A. Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the 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.”

31. The Apex Court in Digambar and Anr. vs. The State of Maharashtra and Another, 2024 INSC 1019 observed that Section 498A penalizes the act of ‘**cruelty**’ by a ‘**husband or his relative**’ towards a woman as has been defined in the *Explanation* appended thereto which provides that the **cruelty** punishable under Section 498A IPC may be of two kinds (i) **there has to be cruelty inflicted** against the victim which either drives her to commit suicide or cause grave injury to herself or to lead such conduct that would cause grave injury and danger to life, limb or health, or **harassment** with a view to satisfy an unlawful demand for any property or valuable security.



32. In Jayedeesinh Pravinsinh Chavda and Others vs. State of Gujarat, 2024 SCC OnLine SC 3679, the Apex Court while considering the guilt of the husband under Section 498A, observed that ***cruelty simplicitor is not enough to constitute the offence under Section 498A; rather it must be done either with an intention to cause injury or to drive the person to commit suicide or with an intention to coerce her and her relatives to meet unlawful demands.*** Hence, where the Court finds misuse of the Section, the Courts must be vigilant and quash the proceedings under Section 482 Cr.P.C., *whenever it is found to be registered for ulterior reasons or out of revenge or vindictiveness.*

33. In the case of Dara Lakshmi Narayana and Others vs. State of Telangana and Another, 2024 SCC OnLine SC 3682, the Apex Court while dealing with the components of Section 498A IPC, observed that the contents of the Complaint may be assessed to see if there is any kind of cruelty as contemplated in Clause 1 or if there is any harassment for dowry as contemplated in Clause 2 is made out.

34. **Now, in the light of aforesaid law, the facts of the present case may be assessed to ascertain if the quashing of the FIR No.467/2016 under Section 498A/406/34 IPC, is merited in the circumstances.**

35. The Petitioners are the husband and father-in-law of the Complainant. The mother-in-law had also been named in the Complaint, but she died on 03.05.2021. Furthermore, the brother-in-law of the Complainant was also arrayed as an accused in the Complaint, but he is not one of the Petitioners before this Court.

36. This Petition essentially arises from a matrimonial dispute between the Respondent No.2/Kavita Nigam and her husband, Petitioner No.1/Aditya



Mohan Nigam. They got married on 30.05.2009. According to Respondent No.2, there were matrimonial disputes *inter se* she and her husband and the parents-in-law, which eventually resulted in her separation from the husband on 15.04.2011 i.e. within two years of marriage.

37. **Respondent-Wife thereafter, filed Petition under DV Act in May, 2011** wherein she alleged that she was subjected to cruelty in her matrimonial house and repeatedly taunted by her husband particularly for her skin and hair. She further alleged that she had discovered certain emails exchanged between Petitioner-Husband and her brother-in-law, wherein Petitioner-Husband expressed unhappiness with the marriage, shared profile details of another woman from a matrimonial website and was encouraged by the brother-in-law to leave the Respondent. She alleged that when she confronted the Petitioner regarding the said emails, the brother-in-law grabbed her and pushed her and stated that he would ensure that she leaves the matrimonial house. She also alleged acts of domestic violence against the parents-in-law, including verbal abuse, humiliation, being asked to leave the matrimonial house and, in particular, that the father-in-law had asked her to clean the commode and had passed inappropriate remarks regarding her physical relationship with her Husband.

38. The Petitioner-Husband had contested the DV Petition and asserted that the Respondent was suffering from some mental imbalance and presented odd/abnormal behavior in the house. Furthermore, the Petitioner and his brother had made several complaints to the Police regarding her aggressive behavior. However, all such suggestions were denied by her.

39. The Ld. MM, after analysis of the evidence, observed that the Petitioner-Husband had some reservations regarding the physical



appearance of his Wife, since the beginning. It was further noted that the *parties did not share a congenial relationship* and there was *growing animosity* between the two. It was also observed that that *all the Complaints were filed by the Petitioner in 2012 i.e. after filing of the DV Act Petition. No documentary evidence was produced to supplement his claims.* Ld. MM held that the electronic records relied upon by the Respondent were not proved in accordance with the Indian Evidence Act, 1872, and were therefore, inadmissible in evidence. Furthermore, although the Petitioners herein alleged hacking and manipulation of emails, no Complaint to the cyber cell or employer was placed on record, and their version was not clear or consistent. However, in the absence of proper proof under Section 65B, the Ld. MM held that the electronic records could not be relied upon, except to the limited extent admitted by the Petitioners that such emails had existed.

40. Regarding allegations against *brother-in-law/Anant Nigam* of physical aggression, Ld. MM observed that while the Respondent-Wife may have confronted Petitioner-Husband regarding the emails and the same led to a heated argument, *the specific allegation of brother-in-law grabbing her wrist was denied and was not proved.*

41. With respect to the *parents-in-law*, Ld. MM held that there were no specific or substantiated allegations of domestic violence. No suggestion was put to the father-in-law during cross-examination regarding asking the Respondent-Wife to clean the commode or making inappropriate remarks. Ld. MM noted that it was not even her case that she was forced to do household chores and found it unlikely that she would have been asked to perform menial tasks. *The allegations against the parents-in-law were held to be vague and unsubstantiated.*



42. *Consequently, the Ld. MM concluded that the Respondent-Wife failed to prove the allegations of domestic violence against the Petitioners and the brother-in-law.* It was also noted that Respondent-Wife was not entitled to reliefs under Section 19 DV Act since she had neither expressed any intention nor produced any proof of shifting to alternate accommodation. *However, Ld. MM noted that the Respondent had suffered ‘immense stress and agony at the hands of Petitioner/Husband for the taunts made regarding her skin and hair’ for which he was directed to pay a compensation of Rs.5,00,000/-; the brother-in-law ‘scolded and manhandled the Respondent’ for which he was directed to pay compensation of Rs.25,000/.*

43. **In the DV case,** the Ld. MM on appreciation of evidence, has expressly discredited the Complainant’s allegations, after a detailed assessment of the evidence. Significantly, the only aspects noted by the Ld. MM were limited to taunts by the husband regarding the Respondent-Wife’s physical appearance and an isolated allegation of manhandling by the brother-in-law, for which nominal compensation was awarded in the DV case.

44. **Pertinently, the allegations made in the Complaint herein, are identical to those made in DV Act Petition, may be now considered to ascertain if any case of Section 498A IPC, is made out.**

45. Respondent No.2 in her Complaint under Section 498A IPC alleged that *after 2 days of marriage, Petitioner No.2, her father-in-law came into her room and asked her to clean the commode of her bathroom.* She stated that to maintain harmony, she cleaned the toilet on her own. She also states



that after few months of marriage, **Petitioner No.2 asked her about her physical relations with Petitioner No.1** i.e. her husband.

46. She has further alleged that *when she went on her honeymoon, Petitioner No.1, her husband made a lot of remarks on her skin and hair.* He said that she needed medical treatment immediately. After coming back, when she asked her husband to take her to the Skin Clinic, he said he doesn't want to spend even a single penny and said that "*yeh to ghar se he defective piece aayi hai, tere ghar waale hee paise denge*". Her father came to her matrimonial home and gave Rs. 50,000/- cash to her husband, so that her husband lives nicely with her. Even thereafter, Petitioner No.1 kept taunting her.

47. In the Complaint, Respondent No.2 states that in September 2009, she came to know that her husband had posted his **profile on a matrimonial site**, and her brother-in-law was supporting him. When her in-laws got to know about this, they came to her room and **abused her, asking her to leave the matrimonial home.**

48. Respondent No.2 reiterates the allegations that on 20.06.2010, the Complainant had to take help from the police and **forcefully leave her matrimonial home** and live at her parents' house. After many taunts and abuses, the Complainant left her matrimonial home on 15.04.2011.

49. The Complainant as per her own averments in the Complaint has stated that she returned to her matrimonial home in **November 2012** because she wanted to save her marriage. She further stated that when she entered, **her husband hit her very badly, and her father-in-law also pushed her outside the house.** Thereafter, she called the police and they helped her and made her sit inside her matrimonial house. The Police said that they would



arrest her husband and father-in-law as her hand was bleeding, but she stopped them because she never wanted her husband to go behind bars.

50. Evidently, although the Respondent No.2/Complainant alleges harassment, but fails to delineate the nature or severity of such conduct. There are no specific instances cited where the accused allegedly subjected her to physical violence, verbal abuse of a grave nature, or conduct that would reasonably drive a woman to suicide or cause grave injury to her life, limb, or health.

51. On **27.03.2014**, the Complainant discovered that her in-laws were hiding her husband at the matrimonial home, despite claiming in court that he lived on rent. When she confronted him, ***he assaulted her, and her in-laws allegedly kicked her in the stomach.*** She called 100, and the police took her father-in-law after noticing visible injury marks. Later that evening, her husband approached her for reconciliation, on the condition that she not pursue a police complaint. ***They resumed living together the same day.***

52. Yet again, the allegations of the Respondent No.2 are *prima facie* vague with no medical evidence of injuries, no Complaints to police or about this incident of physical assault, and no independent witnesses who can substantiate the claims. The Complaint is based entirely on the self-serving statements of the Complainant without any objective verification. Furthermore, the fact Complainant continued to reside with the accused, clearly reflects that it may have been a fight between them, but it was not an act of unbearable cruelty, as envisaged under Section 498A IPC.

53. In December 2014, the Complainant alleged that her brother-in-law again ***conspired to evict her*** from the matrimonial home. On 16.08.2015 and 17.08.2015, she overheard her in-laws discussing plans to remove her from



the house. Frustrated, on 18.08.2015, *she banged the door 9-10 times*. Later, her mother-in-law came to her room and told her to leave the house, saying she was not needed there and should go to her parents' home to pursue her divorce case.

54. As per the Complainant herself, she left the matrimonial home on 15.04.2011, and filed the DV Petition in May, 2011. She thereafter, entered into the matrimonial home in November, 2012, in regard to which the father-in-law had called PCR, though no action was taken. On 11.11.2012, after entering the house of the Petitioner's parents, the Respondent/Wife stated before the SHO that *she had entered the premises of her own free will and had no complaint against her in-laws or husband*. She further clarified that *she did not want any action to be taken against them*. Admittedly, Complainant had been residing in the matrimonial home and was evicted under a Court decree. This conduct is wholly inconsistent with her subsequent allegations of cruelty and harassment.

55. Furthermore, in her Complaint, the Respondent No.2 stated that on 18.08.2015, her mother-in-law told her, "*agar tumhe matrimonial home me rehna hai to apney parents se paise leke aao*". She also said to bring gold sets on all the festivals like *Diwali, Karva Chauth*. She has stated that her in-laws have been demanding dowry from her. Her mother-in-law told her that they could not bear her expenses, so the Complainant should go and get money from her parents.

56. Evidently, the Complainant repeatedly alleges that the in-laws were "conspiring" against her, yet simultaneously states that she continued to voluntarily cohabit with the Petitioners even after allegedly life-threatening incidents. No explanation is offered for this conduct, which materially



undermines the credibility of the allegations. This narrative of the Complainant oscillates between accusations of extreme violence and periods of reconciliation without any supporting factual details.

57. The aforesaid discussion makes it abundantly evident that the allegations in the Complaint herein are vague, omnibus and generic, with no specific dates, times or particulars of alleged incidents. No specific act of cruelty is attributed to Petitioner No.2 (father-in-law) individually; the Complaint merely uses the term “in-laws” without individualizing conduct.

58. These similar allegations were made in the DV Petition, which did not get any favourable finding. The *same allegations* are recycled in criminal proceedings, where the standard of proof is even higher i.e. beyond reasonable doubt. The Civil Court’s findings assume substantial evidentiary value in assessing whether the FIR discloses even a *prima facie* offence. These allegations in the FIR, even if accepted at face value, do not satisfy the statutory ingredients of “cruelty” as defined under Section 498A IPC, as they neither demonstrate conduct of such gravity as is likely to drive the woman to commit suicide or cause grave injury to life, limb, or health, nor do they disclose any harassment linked to an unlawful demand for dowry or valuable security.

59. From the entire allegations as discussed above, it emerges that the essential ingredients of Section 498A IPC are not made out from the Complaint made by Respondent No.2. The entire Complaint and the evidence collected during the investigations in the present matter, even if admitted *in toto*, would not be enough to prove an offence under Section 498A IPC.



60. **Certain other factors and the conduct of the Complainant, also needs to be discussed.**

61. The factor of significance is that the *Petitioner/husband had filed the HMA No.63/2017 under Section 13(1)(ia) HMA, on the allegations of being subjected to cruelty by the Complainant/Wife*. The Divorce was granted *vide judgement dated 22.01.2025 on the ground that mental cruelty was inflicted upon the Petitioner-Husband by the Respondent-Wife*.

62. Ld. Principal Judge, Family court noted that unsubstantiated allegations levelled by the wife of extra marital affair, physical assault, disrespect and threats and attempt to commit suicide by her, amounted to mental cruelty. It was also noted that “*no doubt that the Respondent has a legal right to take recourse for the wrong that may have been committed, but making unsubstantiated allegations of demands or acts of cruelties by the Petitioner or his family and getting such proceedings initiated against the Petitioner, are clearly acts of cruelty*”.

63. **To sum up**, the relevance of the two matrimonial proceedings cannot be ignored. The DV Act proceedings resulted in a finding that the allegations of cruelty against the Petitioners were not proved, except to the limited extent for which civil remedies were granted. In the divorce proceedings as well, the Ld. Principal Judge concluded that the Husband was a victim of mental cruelty, at the hands of the Respondent-Wife. These findings in the two Civil Litigation where the burden of proof is preponderance of probabilities, are significant in the present criminal prosecution under Section 498A IPC where the threshold of proof is much higher, as the allegations need to be proved beyond reasonable doubt.



64. At this juncture, it is pertinent to refer to the Apex Court case of P.V. Krishnabhat & Anr. vs. the State Of Karnataka & Ors., SLP (Crl.) No.1754/2024 decided on 15.01.2025, wherein it was held as under:-

*“15. Further, as is evident from the record, the marriage between the parties has been dissolved, with categorical findings regarding cruelty meted out by the complainant against the appellant-husband. **The allegations made in the criminal complaint, regarding dowry demand, cruelty, and harassment have all been held to be baseless, false and frivolous. Though, these are separate proceedings, but findings regarding the truth and veracity of such serious allegations, as have been made by the complainant herein, become relevant in order to do justice and avoid misuse of criminal justice system. The Family Court has made categorical findings to hold that the allegations are false and nothing has been produced to or prove any merit in the allegations. Even in the criminal proceedings impugned before us, nothing has come on record to show commission of these alleged acts, even on a prima facie analysis. Once it has been held that there is no merit or truthfulness to the allegations made, then criminal proceedings on the very same allegations cannot be allowed to continue and propagate misuse of the criminal justice system.”***

65. Thus, to conclude, **firstly**, the Complaint lacks specificity and lacks any details about the dates/period and are generic, omnibus and vague. **Secondly**, the Complaint fails not demonstrate how the conduct of each accused individually or collectively contributed to cruelty. **Thirdly**, the allegations made in the Complaint, even if accepted *in toto*, do not constitute cruelty of the nature as contemplated under Section 498A IPC. There is no allegation of physical violence causing injury, no medical evidence of mental or physical harm, and no conduct likely to drive her to suicide. The absence of any allegation regarding dowry demand or harassment on any



account and the presence of only vague references regarding the alleged acts of cruelty which are in fact, instances of ordinary wear and tear of marital life, further undermines the Complaint. The allegations at best reflect ordinary matrimonial discord, **not criminal cruelty**.

66. It is pertinent to note that although the brother-in-law of the Respondent No.2 who was arrayed as an accused in the Complaint, is not a Petitioner before this Court, but the Complaint, read as a whole and taken at its face value, does not disclose the commission of any cognizable offence. Even qua the brother-in-law, the Ld. MM in the DV Act proceedings has recorded findings that the allegations of physical aggression were not proved, except for an isolated and unsubstantiated allegation leading only to nominal compensation.

67. The allegations against all the accused, including the brother-in-law, are intertwined, vague and omnibus in nature, arising out of the same set of facts and circumstances. Such allegations, even if assumed to be true, do not meet the statutory threshold of “cruelty” as defined under Section 498A IPC.

68. In light of the above findings, it is concluded that it is clearly a case which comes in the category of abuse of the process of law, meriting quashing of the FIR.

Allegations under Section 406 IPC:

69. To comprehend these assertions, it would be relevant to first consider the contours of Section 406 IPC. Section 405 IPC defines the offence as under:

“Section 405. Criminal breach of trust.



Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits “criminal breach of trust”.”

“Section 406. Punishment for criminal breach of trust.

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

70. Section 406 IPC refers to the two foundational elements to constitute the offense of criminal breach of trust under Section 406 IPC: *first*, an *entrustment* of property, and *second*, a *dishonest misappropriation* of that property.

71. Respondent No. 2 in her Complaint alleged that after coming back from the honeymoon, her *mother-in-law took all her jewellery* by saying that she would keep it in the bank locker. When the Complainant suggested to keep the jewellery in a joint bank locker, her mother-in-law said that the *Complainant should know her place in the house, and asked her to keep quiet*. Then, she gave her jewellery to her mother-in-law. The Mother-in-law is unfortunately, dead.

72. The averments made in the Complaint evidently reveal that there is not even a whisper in the Complaint suggesting that either of these Petitioners (*the husband and father-in-law*) had any custody, control, dominion, or possession over the Complainant’s jewellery or that they played any role whatsoever in its alleged retention.



73. The entire narrative clearly establishes that if the jewellery was in anyone's custody, it was in the custody of the mother-in-law. The Complainant's own version suggests that the jewellery was handed over to the mother-in-law for "safekeeping", purportedly to be kept in a bank locker. There are no averments in the Complaint to even *prima facie* establish criminal breach of trust.

74. Nonetheless, the Complainant uses general terms like "jewellery" without providing any description or valuation of the specific items allegedly retained. There is no detail regarding what items were given by whom at the time of marriage, what items constitute *stridhan*, what is their nature, description, quantity, quality, etc. The Complaint also reveals omnibus reference to "in-laws". Moreover, as evident from the discussion above, no specific averments had been made qua the Petitioners herein.

75. Herein, it is imperative to take note of the allegations made the Respondent No.2/Complainant in her ***DV Act Petition***, wherein she had made same allegations in her DV Petition that her entire jewellery, *stridhan* and other articles were given by her parents at the time of marriage and that all such jewellery was handed over her mother-in-law for safe custody. She contended that the Respondents were in unlawful possession of her jewellery and belongings and had failed to return the same. She further stated in her cross-examination that the entire expenses of the marriage and the *stridhan* articles, were borne by her father.

76. The Petitioners, however, denied that any jewellery or valuables of the Respondent were handed over to mother-in-law for safe custody. They alleged that the Complainant had taken all her jewellery with her when she left the matrimonial home on 15.04.2011. It was also contended that the



amounts were exaggerated and stated that Petitioner and his family had, in fact, given cash and gifts to the Respondent/Wife and her family.

77. The Ld. MM noted material contradictions in the testimony of the Respondent/Wife and her witness. On one hand, she stated in her cross-examination that the list was prepared by her counsel at the time of filing the DV Petition in 2011, while on the other hand, her father had stated that the said list had been prepared by him and his wife at the time of marriage. The Court observed that said List was merely a typed list without any signatures or acknowledgment of any party and was not a list mandated under the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985. The said list was held to have no evidentiary value and ***was not supported by any bills, receipts or acknowledgments for the alleged gifts or purchases.***

78. The Ld. MM further observed that no suggestion was put to the Petitioners during their cross-examination that they were in unlawful possession of the jewellery, *stridhan* articles or other belongings of the Respondent, or that the aggrieved had been made to hand over all her jewellery to mother-in-law for safe custody in a bank locker. The Respondent-Wife also failed to place on record any letter or document showing that she was made to distinguish between the jewellery given by her parents and that given by the Petitioner/her in-laws. It was held that ***the Respondent failed to prove that any jewellery, gifts or cash had been given to her by her parents at the time of marriage, that all such jewellery had been handed over to mother-in-law for safe custody, or that the Petitioners were in unlawful possession of her jewellery or other belongings.***



79. As already noted above, the findings in DV Act, completely trashed the allegations of jewellery being entrusted or retained by the Petitioners or the mother-in-law.

80. Even in the FIR, aside from omnibus allegations, no *prima facie* case of entrustment of jewellery has been made out.

81. *Thus, no offence under Section 406 IPC is made out in the Complaint against the Petitioners.*

Whether the circumstances as detailed above, justify quashing of the FIR?:

82. While the Complainant maintained stoic silence after filing of DV Act Petition in May 2011, sudden realization dawned on her about the matrimonial cruelty only after the filing of the Civil Suit for Possession, which led her to file after about four years, a Complaint dated 08.09.2015 in CAW Cell about the alleged harassment and cruelty, which resulted in FIR No. 467/2016 under Sections 498A/406/34 IPC, on 18.05.2016.

83. This delayed filing of FIR clearly indicates that the FIR was registered *as a pressure tactic* in the ongoing matrimonial dispute, rather than to seek redress for alleged cruelty,, after a Suit for Possession was filed against her.

84. Recently, the Supreme Court in Sanjay D. Jain & Ors. vs. State of Maharashtra, Crl. Appeal arising out of SLP (Crl.) No.12584/2024 decided on 26.09.2025 (2025 INSC 1168), while quashing FIR under Section 377/498A/506 IPC, reiterated the settled principle that *where allegations in the FIR or complaint are vague and general without specific instances or particulars essential to constitute an offence, such FIRs do not disclose a*



prima facie case and are liable to be quashed. The Court emphasized that even if the statements in the FIR are taken at their face value, if the essential ingredients of an offence like cruelty under Section 498A IPC are not made out with particularity, **quashing is justified to prevent abuse of process.**

85. The guiding tests in regard to the quashing of the FIR, had been succinctly stated in the case of State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 wherein it is observed that “*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; or 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, the FIR may be quashed.*”

86. As discussion above in detail, there is not an iota of even a *prima facie* case of cruelty or of harassment of the Complainant by the Petitioner. There is also no element of entrustment made out from the facts alleged by the Respondent No.2, in her Complaint. Moreover, as discussed above from the facts, when comprehensively considered, reflects that it is a case of abuse of process of law, justifying the quashing of the FIR and the *Chargesheet filed therein.*

Relief:

87. Thus, the present Petition is allowed and FIR No.467/2016 dated 18.05.2016 under Sections 498A, 406, 34 IPC registered at P.S. Hauz Khas along with the subsequent proceedings therein, is hereby **quashed.**



2026:DHC:116



88. Accordingly, the pending Application(s), if any, are accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 08, 2026/RS