2026:AHC:229218

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 40709 of 2023

Mohammad Intekhab And 6 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Intekhab Alam Khan, Irfan Raza Khan, Navneet Kumar Mishra

Counsel for Opposite Party(s) : G.A., Gufran Ahmad Khan

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. There is an illness slip reported of Sri Irfan Raza Khan , learned counsel for the applicant.

3. Sri Intekhab Alam Khan, Advocate also appears for the applicant and submits that he has filed his Vakalatnama in the matter along with affidavit on 06.08.2026 and now he is appearing in the matter. Sri Gurfan Ahmad Khan, learned counsel for the opposite party no.2 is not present even when the matter is taken up in the revised list. Sri Ajay Singh, learned A.G.A.-I for the State is present.

4. Heard learned counsels for the parties and perused the records.

5. Learned counsel for the applicant submits that the applicant no.1 Mohammad Intekhab (husband) has died on 10.06.2024, paragraph no. 5 of supplementary affidavit dated 16.08.2026, which is on record, has been placed before the Court. He has also placed a death certificate of the applicant no.1 issued by the Gram Panchayat on 12.07.2026, which is annexed as Annexure No. SA-1 to the same. He submits that the present application under Section 482 Cr.P.C. be dismissed as not pressed with regard to applicant no.1 Mohammad Intekhab (husband).

6. Prayer is allowed.

7. The petition with regard to applicant no.1- Mohammad Intekhab, is dismissed as not pressed.

8. Interim order, if any, stands vacated with respect to applicant no.1.

9. The present application under Section 482 Cr.P.C. thus survives for the applicant nos. 2 to 7 only.

10. Learned counsel for the applicants submits that no counter affidavit on behalf of opposite party no.2 has been filed in the matter till date. IA details on the web portal also do not show filing of any counter affidavit in the matter.

11. Learned counsel for the State submits that he does not proposes to file any counter affidavit in the matter.

12. This Criminal Misc. Application U/S 482 Cr.P.C. has been filed before this Court by the applicants- Mohammad Intekhab (husband), Mansur Khan (father-in-law), Adil Khan (dewar), Sahab Ali Khan (jeth), Nikhat (nanad), Seema (nanad) and Bushra (nanad) with the following prayers:-

"It is, therefore, MOST RESPECTFULLY, prayed that this Hon'ble Court may graciously be pleased to quash the impugned order dated 10.10.2023 passed by the Additional Sessions Judge/Fast Track Court, 2nd, Ghazipur in Criminal Revision No. 203 of 2022 (Mansur Khan and others Vs. State of U.P. and another) and order dated 18.8.2022 passed by the Judicial Magistrate, Court No.16, Ghazipur in Criminal Misc. Case No. 2530 of 2021 (Bilquees Khatoon Vs. Mohammad Intekhab and others) under Sections 498-A, 323,504,506 I.P.C. and Section 3/4 of Dowry Prohibition Act Police Station Dildar Nagar, District Ghazipur including the entire proceedings of said case.

It is further prayed that this Hon'ble court may graciously be pleased to stay the further proceedings of Criminal Misc. Case No. 2530 of 2021 (Bilquees Khatoon Vs. Mohammad Intekhab and others) under Sections

498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act Police Station Dildar Nagar, District Ghazipur pending in the Judicial Magistrate, Court No.16, Ghazipur during the pendency of present Application before this Hon'ble Court and/or to pass such other and further suitable order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

13. A complaint dated 08.03.2021 was filed by the opposite party no. 2 against the applicants for offenses under section 498A, 323, 504, 506 IPC and 3/4 D.P. Act, alleging therein that she was married to Mohammad Intekhab Khan on 17.03.2013 as per muslim customs and rites. After marriage the accused demanded a Hero Honda motorcycle and Rs 1,00,000/= cash as dowry from her, but despite the fact that in the marriage her father had given ornaments of gold and silver, fridge, color TV, and other household articles and worth Rs 1,50,000/= but they raised the said demand at the time of Vidai. Due to interference of respectable people of the village and relatives, Vidai was done. When she went to her matrimonial house, the accused started raising the said demand again and tortured her physically and mentally and stopped giving her food and locked her in a room. When she told about it to her parents, her father with the people of the village came to her matrimonial house and a panchayat was called in which her in-laws were also present, where her in-laws stated that till the time the demand is not fulfilled, they would keep keep torturing her due to the said shock, her father became ill and suffered heart attack and died. In the meantime, she came to her maternal house many times, but her in-laws continued their demand and tortured her. On 02.03.2021 at about 3:00 p.m., they assaulted her and forcibly made her sat on a tempo and snatched her ornaments dropped her outside the village near a temple and threatened her that if she comes without dowry, they would murder her. She went to her maternal house and told about it to her parents. Due to evening she went to the police station on the next day to lodge a report, but her report was not lodged. An application was sent to S.P. Ghazipur through registered post on 04.03.2021, on which also no action was taken. The present application is thus being filed. The accused be summoned and punished as per law.

14. In support of said complaint, the statement of complainant

Smt.Bilquees Khatoon under Section 200 Cr.P.C. was recorded. The statement of her witnesses namely Badrealam was recorded as PW-1 and Mohd. Shakir Khan was recorded as PW-2 under Section 202 Cr.P.C. The Court of Judicial Magistrate, Ghazipur vide order dated 18.08.2022, summoned the applicants for offences under Section 498A, 323, 504, 506 IPC and 3/4 DP Act. The accused then filed a Criminal Revision No.203 of 2022 before the Additional Sessions Judge/F.T.C. II, Ghazipur, which stood dismissed by judgment and order dated 10.03.2023. Thus, the present application under Section 482 CrPC with the prayer as aforesaid has been filed before this Court.

15. Learned counsel for the applicants submitted that applicant nos. 2 to 7 are family members of Mohammad Iftikhar (the applicant no. 1)/ husband of the opposite party no. 2. It is submitted that husband Mohammad Iftikhar has died and thus his petition has been dismissed as not pressed. It is submitted that the applicant no. 2 is father-in-law, para-18 of the affidavit has been placed for the same, the applicant no. 3 is dewar and the applicant no. 4 is jeth of the opposite party no. 2. It is further submitted that the applicant nos. 5 to 7 are unmarried nanad of the opposite party no.2, para-21 of the affidavit has been placed before the Court for the same. It is submitted while placing para-16 of the affidavit that the present case is a case of no injury as there is no medical report on record which would suggest any cruelty committed by the applicants upon the opposite party no. 2. It is submitted the present matter is matrimonial in nature which has arisen out of matrimonial relationship between the husband (Mohammad Intekhab) and the wife (opposite party no. 2 Smt. Bilquees Khatoon). It is submitted that applicant nos. 2 to 7 have been implicated falsely only because of the reason that they happen to be the family members of the husband of the opposite party no. 2. It is submitted that the allegations in the present matter are general and omnibus in nature and they never demanded any dowry or committed any assault as alleged in the complaint. Reliance has been placed by learned counsel for the applicants on the judgements of the Apex Court in the case of ***Charul Shukla vs. State of U.P. and others: 2026 SCC OnLine SC 476*** to submit that there is a tendency of exaggeration in versions in matrimonial matters and implication of family members of the husband also. It is submitted

that the impugned summoning and the proceedings are bad in the eyes of law. It is submitted that as the proceedings against the applicants are an abuse of process of the court and deserves to be quashed and the prayer as prayed for deserves to be allowed.

16. Per contra, learned counsel the opposite party no. 2 opposed the submissions of learned counsel for the applicants and the present petition and submitted that the applicants are named in the complaint and in the statements of the victim and her witnesses recorded during inquiry and there are allegations against them.

17. After having heard learned counsels for the parties and perusing the records, it is evident that applicant nos. 2 to 7 are family members of Mohammad Iftikhar (the applicant no. 1)/ husband of the opposite party no. 2. Mohammad Iftikhar has died and thus his petition has been dismissed as not pressed. The applicant no. 2 is father-in-law, the applicant no. 3 is dewar and the applicant no. 4 is jeth of the opposite party no. 2. The applicant nos. 5 to 7 are unmarried nanad of the opposite party no.2. The present case is a case of no injury as there is no medical report on record which would suggest any cruelty committed by the applicants upon the opposite party no. 2. The present matter is matrimonial in nature which has arisen out of matrimonial relationship between the husband (Mohammad Intekhab) and the wife (opposite party no. 2 Smt. Bilquees Khatoon). Implication of the applicant nos. 2 to 7 in the present matter is because of the reason that they happen to be the family members of the husband of the opposite party no. 2. The allegations in the present matter are general and omnibus in nature.

18. Time & again the Apex Court has held that proceedings in so far as the family members & relatives of husband are concerned, should be scrutinized and if the same are of general & omnibus in nature be quashed. In the case of ***Payal Sharma Vs. State of Punjab & Another: Criminal Appeal No. of 2024 (@ SLP (Crl.) No. 13579 of 2023)*** decided on 26.11.2024, the Apex Court in paragraph nos. 9, 10 & 11 has held as under:-

"9. In the decision in **Preeti Gupta & Anr. v. State of Jharkhand &**

Anr., this Court observed that it is a matter of common knowledge that in matrimonial disputes exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a 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 sufferings of ignominy, it was further held therein. We have no hesitation to hold that the said observation of this Court is in fact, sounding of a caution,against non-discharge of the duty to see whether implication of a person who is not a close relative of the family of the husband is over implication or whether allegation against any such person is an exaggerated version, in matrimonial disputes of this nature.In this context, it is to be noted that the term 'relative' has not been defined in the statute and, therefore, it must be assigned a meaning as is commonly understood. Hence, normally,it can be taken to include, father, mother, husband or wife,son, daughter, brother, sister, nephew, niece, grandson or granddaughter of any individual or the spouse of any person. To put it shortly, it includes a person related by blood, marriage or adoption. In paragraph 35 of Preeti Gupta's case (supra) it was furthermore held thus:-

"...The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realties into consideration while dealing with matrimonial cases. The allegations of harassment by husband's close relatives 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 complainant are required to be scrutinized with great care and circumspection."

10. In such circumstances, normally against a person who is not falling under any of the aforesaid categories when allegations are raised, in the light of the observations made in ***Preeti Gupta's*** case (supra), the Court concerned owes an irrecusable duty to see whether such implication is over implication and / or whether the allegations against such a person is an exaggerated version. We have already taken note of the fact that except the observation made in paragraph 7 there is no consideration at all of the contentions of accused No.5 in the impugned order.

11. In the decision in ***Geeta Mehrotra and Anr. v. State of U.P. and Anr.***, this Court held that mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the tendency of over implication viz., to draw the entire members of the household in the domestic quarrel resulting in matrimonial dispute, especially when it happens soon after the wedding. In the decision in ***Kahkashan Kausar @ Sonam and Others v. State of Bihar & Ors.,*** this Court quashed proceedings in so far as family members of the husband on the ground that the allegations against them are general and ominous in nature. In matters like the one at hand when relatives not residing in the same house where the alleged victim resides,the courts shall not stop consideration by merely looking into the question where the accused is a person falling within the ambit of the expression 'relative' for the purpose of Section 498-A, IPC, but should also consider whether it is a case of over implication or exaggerated version solely to implicate such person(s) to pressurise the main accused. It is also relevant to refer to the decision of this Court in ***State of Haryana v. Bhajan Lal,***wherein after considering the statutory provisions and the earlier decisions, this Court referred to various categories of cases where the inherent powers under Section 482, Cr.P.C. could be exercised by High Court to prevent abuse of process of Court or otherwise to secure ends of justice. One among such categories is where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent man could ever reach a just conclusion that there is sufficient ground for proceeding against an accused."

19. Further the Apex Court in the cases of ***Dara Lakshmi Narayan and others vs. State of Telangana: 2024 SCC OnLine SC 3682,*** and ***Geddam Jhansi vs. The State of Telangana: 2025 INSC 160*** has held that there is exaggerated version of the incident and the same can also be seen from the fact that the entire family has been made an accused for ulterior motives and with malafide intention with general and omnibus allegations.

20. Thus in view of the judgements of the Apex Court, since common, general and omnibus allegations against the applicants no.2 to 7 who are

father-in-law, dewar, jeth and nanad respectively of the opposite party no. 2 and are family members of the husband of the opposite party no.2, have been levelled, the present petition deserved to be allowed and as such the same is allowed in respect to the applicants no. 2 to 7.

21. The impugned proceedings, the summoning order dated 10.10.2023 and the order dated 18.8.2022 passed by the revisional court are hereby quashed against the applicant no. 2 to 7.

22. Pending application(s), if any, shall stand disposed of.

(Samit Gopal,J.)

November 3, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad