HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 46775 of 2023

Faisal And 2 Others

.....Applicant(s)

Versus

State Of U.P. And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Kanojia
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. Heard Sri Rajesh Kumar Kanojia, learned counsel for the applicants, Sri Ajay Singh, learned AGA-1 for the State and perused the records.

2. This application u/s 482 Cr.P.C. has been filed by the applicant no.1- Faisal, applicant no.2- Farroq and applicant no.3 Smt. Daraksha before this Court with the prayer to quash the entire proceedings of Criminal Case No.540 of 2020 (State of U.P. vs. Faisal and others) arising out of Case Crime No.423 of 2018, under Sections 498A and 3/4 D.P. Act, Police Station Mawana, District Meerut as well as impugned order dated 06.09.2022 passed by Judicial Magistrate, Mawana, District Meerut.

3. This matter was referred to the Mediation Center of this Court vide order dated 21.12.2023 passed by another bench of this Court. Office through its report dated 24.05.2024 has placed on record a report of the Mediation Center, a perusal of which would go to show that it is reported through report dated 17.05.2024 that the parties were not willing for mediation. The mediation, thus, has failed.

4. Notice was issued to the opposite party no.2 vide order dated 21.12.2023. As per the office report dated 18.11.2025, notice has been served personally on the opposite party no.2. Office has placed on record a report dated 30.05.2024 of the Chief Judicial Magistrate, Meerut, stating that notice has been served personally on the opposite party no.2. Alongwith the same, a report dated 26.05.2024 of Police Station Mawana, District Meerut, bearing the signature of the opposite party no.2 as proof of receipt of notice is annexed which has also been perused. Despite service of notice, neither

the opposite party no.2 is present before this Court personally. Today, even in the revised call, nor there is any representation on her behalf. The IA Status of the case on the Web Portal also does not show filing of any appearance on behalf of opposite party no.2. This Court proceeds to hear the matter.

5. The facts of the case are that a first information report was lodged on 13.07.2018 by Smt. Anjum, the opposite party no.2 for offences under Section 498A, 376, 377, 354 (kha), 323, 328 IPC and 3/4 DP Act against Faisal (husband), Farukh (father-in-law), Daksha (mother-in-law), Mahvish (nanad), Nazis (nanad), Faraz (devar), Mohsin (nandoi), Subhan (nandoi) and unknown person on the basis of an application given to the Senior Superintendent of Police, Meerut, alleging therein that her marriage was solemnized on 05.06.2018 with Faisal. Her mother-in-law, father-in-law, nanad and nandoi always used to trouble her for dowry and raised the demand of a Car. Her husband used to indulge in unnatural sex. On her opposing it, he used to assault her. Her younger nandoi Subhan used to keep an evil eye on her, after which she told about it to her nanad, who stated that she may do friendship with her husband Subhan also. She got angry on it. On 17.06.2018 at about 8:00 p.m., Subhan and Nazis came to her house on the festival of Eid, wherein her in-laws had gone to the house of relatives to meet them and she was alone in the house. Nazis in a conspiracy cooked some sweet dishes and mixed some intoxicating substance in it and after consuming it, she became unwell. Nazis then switched on the TV and increased its volume so that her shrieks may not come out. After it, Subhan took her in the room and committed rape upon her. Subhan and Nazis then went away. In the evening, when her in-laws came back, she told them about the incident, on which she herself was scolded and assaulted. Her clothes were torn. A report be lodged and action be taken.

6. The matter was investigated and a chargesheet dated 03.10.2019 was filed against the applicants for offenses under Section 498-A IPC and 3/4 Dowry Prohibition Act. In so far as the other co-accused are concerned, their implication in the matter was found to be false and they were exonerated. The Court of the Judicial Magistrate concerned took cognizance upon the said chargesheet vide order dated 17.10.2020. The Court of Judicial Magistrate, Mawana, Meerut, vide order dated 06.09.2022, framed charges against the applicants for offences under Section 498-A IPC and 3/4 of the Dowry Prohibition Act. This present application under Section 482 Cr.P.C.

has, thus, been filed before this Court with the aforesaid prayers.

7. Learned counsel for the applicants submits that the applicant no.1 is the husband, applicant no.2 is the father-in-law and applicant no.3 is the mother-in-law of the opposite party no.2. Paragraph no. 5 of the affidavit has been placed before this Court. It is submitted that the entire prosecution version is false and incorrect, which can very well be seen from the fact that in the present matter, eight named accused and unknown person are arrayed as an accused, out of which amongst the eight named accused persons, five have been found to be falsely implicated and, thus, were exonerated and in so far as the applicants are concerned, part of allegations were found to be false against them and, thus, chargesheet has been submitted against the applicants only under Section 498-A IPC and 3/4 of the Dowry Prohibition Act and subsequently charges have been framed against them in the said sections only.

8. While placing Paragraph 15 of the affidavit, it is submitted that the first informant was produced before the doctor, who refused giving consent for her medical examination. Annexure No.4 of the affidavit has been placed to buttress the same. It is submitted that thus the present case is a case of no injury.

9. It is submitted that previously the opposite party no.2 had lodged another first information report on 25.10.2018 as Case Crime No.874 of 2018, under Sections 498-A, 323, 328, 354 (kha), 376, 342 IPC and 3/4 D.P. Act, Police Station Bramhapuri, District Meerut, in which the parties had entered into a compromise on 31.10.2018 and Rs.5 lakh cash and Rs.1 lakh in cheque was given to the opposite party no.2 by her husband and they had decided to separate themselves. It is submitted that subsequently a final report dated 06.11.2018 was filed in the said matter. Paragraph Nos.22, 23 and 25 of the affidavit have been placed before the Court. It is submitted that in so far as the present case is concerned, there are general and omnibus allegations against the applicants.

10. Learned counsel has relied upon the judgement of the Apex Court in the case of ***Kahkashan Kausar@Sonam and others Vs State of Bihar and others: (2022) 6 SCC 599*** and further 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 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.

11. Per contra, learned counsel for the State submits that he does not proposes to file any counter affidavit in the matter and has submitted that the applicants are named in the F.I.R. and in the statements of the informant and the witnesses recorded during investigation and there are allegations against them.

12. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant no.1 is the husband, applicant no.2 is the father-in-law and applicant no.3 is the mother-in-law of the opposite party no.2. There was matrimonial discord between the couple and thus there was matrimonial disharmony between them. The allegations against them who are in-laws of the opposite party no. 2 are common, general and omnibus.

13. 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:-
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> "...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."

14. 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.

15. 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.

16. 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.

17. Further the Apex Court in the case of ***Charul Shukla vs. State of U.P. and others:2026 SCC OnLine SC 476*** has held that there is a tendency of exaggeration in versions in matrimonial matters and implication of family members of the husband also and also that delay in filing complaint can be fatal in matrimonial disputes.

18. Thus in view of the judgements of the Apex Court, since common, general and omnibus allegations against the applicants nos.2 and 3 have been levelled, the present petition stands **allowed**. The order impugned and the proceedings against them stands quashed.

19. The present petition so far as the applicant no.1-Faisal is concerned, stands **dismissed**.

20. The interim order, if any, stands vacated.

21. The trial court is directed to proceed expeditiously against the applicant no.1-Faisal.

22. Registrar (Compliance) is directed to communicate this order to the trial court concerned within two weeks from today.

October 23, 2026
Ajeet

(Samit Gopal,J.)

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