2026:AHC:211082

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43848 of 2026

Deepak Kumar And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rahul Singh Dahiya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Rahul Singh Dahiya, learned counsel for applicants, Sri Anil Kumar Ojha, learned A.G.A. for the State and Sri Ashutosh Kumar Mishra, learned counsel appearing for opposite party no.2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash the charge sheet No. 41/2026 dated 17.01.2026 as well as cognizance/summoning order dated 13.07.2026 and entire proceedings of Case No. 432 of 2026 (State Vs. Deepak and others), arising out of Case Crime No. 1106 of 2025, under Sections 85, 115(2), 352, 351(3) B.N.S. and Section 3/4 Dowry Prohibition Act, Police Station Quarsi, District Aligarh, pending before the learned IInd Additional Chief Judicial Magistrate, Aligarh.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that marriage between applicant no.1 and opposite party no.2 was solemnized on 03.03.2024 according to Hindu rites and rituals. Applicant no.1 is husband, applicant no.2 is father-in-law and applicant no.3 is mother-in-law of opposite party no.2. They have not committed any offence as alleged by the prosecution. The applicants never made any demand of additional dowry, beat her or harassed her or her family members. Opposite party no.2 lodged a First Information Report registered as Case Crime No. 1106 of 2025, under Sections 85, 115(2), 352, 351(3) B.N.S. and Section 3/4 Dowry Prohibition Act, at Police Station Quarsi, District Aligarh against the applicants and one other family member. The prosecution story is absolutely false, frivolous and

concocted because since the time of arrival to in-law's house, the opposite party no. 2 does not want to live with her husband and is having affairs with one Yogesh, with whom, she does chatting and calling most of time. The act and conduct of the opposite party no. 2 and her father is not good and they have lodged this report just to harass the applicants. The allegations levelled against the applicants in the First Information Report and the subsequent charge-sheet are vague, omnibus and general in nature. No specific role, overt act, or distinct participation in the alleged commission of offence has been attributed to the applicants. The criminal proceedings have been initiated with an ulterior motive to harass and humiliate the Applicants, and continuation of the same would amount to an abuse of the process of the Court.

4. Per contra, learned Counsel for opposite party no.2 and learned A.G.A. have vehemently opposed the arguments and submitted that a prima facie case for the commission of cognizable offences is fully made out against the applicants on the basis of the material gathered during the investigation. The Investigating Officer has collected sufficient oral and documentary evidence, including statements recorded under Section 161 Cr.P.C., which directly link the applicants to the alleged crime. It is further submitted that the truthfulness, credibility, or veracity of the allegations and statements cannot be meticulously weighed or evaluated at the threshold stage under Section 482 Cr.P.C. It cannot be said that no prima facie case is made out against the applicants, therefore, this application is liable to be dismissed.

5. The scope and extent of the inherent powers of the High Court under Section 482 Cr.P.C. are well-settled. While the Court possesses wide powers to prevent the abuse of the process of any Court or to secure the ends of justice, such powers must be exercised sparingly, with circumspection, and strictly in accordance with established legal principles. ***(Ref: State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335; Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401).***

6. A bench of the Hon'ble Supreme Court has repeatedly held that while exercising inherent jurisdiction, the High Court cannot embark upon a detailed inquiry into the reliability, adequacy, or genuineness of the evidence collected during investigation. The relevant test at this stage is whether the uncontroverted allegations made in the FIR and the material collected in support thereof disclose the commission of a cognizable offence.

7. In the present case, a bare reading of the charge-sheet and the witness statements recorded during the investigation demonstrates the existence of a prima facie case against the applicants. The contention of the learned Counsel for the applicants that the allegations are merely general and omnibus is a factual plea that requires evaluation of evidence. Merely because allegations involved multiple accused persons or are broadly framed, does not, by itself, render the charge-sheet liable to be quashed under Section 482 Cr.P.C., provided, there is material on record supporting the involvement of the accused. Whether the evidence collected is sufficient to establish guilt beyond reasonable doubt is the matter strictly reserved for trial.

8. Upon the perusal of the material on record and considering the facts of the case at this stage, it cannot be said that no offence is made out against the applicant. All the submission made at the bar relates to the disputed question of fact, which cannot be adjudicated upon by this Court in exercise of power conferred under Section 482 Cr.P.C. At this stage, only a prima facie case is to be considered in light of the law laid down by Supreme Court in cases of ***R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283.*** The disputed defence of the accused cannot be considered at this stage.

9. Considering the facts and circumstances of the case, I do not find any ground to quash the aforementioned case, therefore, the prayer for quashing the same is hereby refused.

10. Accordingly, the application is **dismissed.**

11. It is, however, clarified that any observation made in this order are solely for the purpose of deciding this application and shall not affect the merits of the case before the Trial Court.

October 8, 2026
Rmk.

(Chawan Prakash,J.)

Digitally signed by :-
RAM MURTI KUSHWAHA
High Court of Judicature at Allahabad