



2026:CGHC:21136-DB

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRMP No. 805 of 2026**

**1** - Piyush Vaishnav S/o Lakhan Das Vaishnav, Aged About 35 Years, R/o Rajendra Nagar (wrongly not mentioned in the order-sheet), Word No. 7 Mungeli, Police Station -City Kotwali, District -Mungeli Chhattisgarh

**2** - Smt. Kanti Vaishnav W/o Lakhan Vaishnav, Aged About 65 Years, R/o Rajendra Nagar (wrongly not mentioned in the order-sheet), Word No. 7 Mungeli, Police Station -City Kotwali, District -Mungeli Chhattisgarh

**3** - Lakhan Das Vaishnav S/o Meghidas Vaishnav, Aged About 72 Years, R/o Rajendra Nagar (wrongly not mentioned in the order-sheet), Word No. 7 Mungeli, Police Station -City Kotwali, District -Mungeli Chhattisgarh

**4** - Harish Kumar Vaishnav S/o Lakhan Das Vaishnav, Aged About 48 Years, R/o Rajendra Nagar (wrongly not mentioned in the order-sheet), Word No. 7 Mungeli, Police Station -City Kotwali, District -Mungeli Chhattisgarh

**5** - Smt. Linima Vaishnav W/o Harish Vaishnav, Aged About 40 Years, R/o Rajendra Nagar (wrongly not mentioned in the order-sheet), Word No. 7 Mungeli, Police Station -City Kotwali, District -Mungeli Chhattisgarh

**6** - Smt. Ritu @ Maya Vaishnav W/o Sharad Chand Vaishnav, Aged About 45 Years, R/o Plot No. 52, Ward No. 14, Shriram Residency V.T.C. Bilaspur, Police Station Civil Line (wrongly mentioned as Mangla in the impugned order-sheet, District- Bilaspur (C.G.)

**... Petitioners**

**versus**

**1** - State of Chhattisgarh Through Station House Officer, Police Station - Bodla, District Kabirdham (C.G.)

**2** - Smt. Shivani Vaishnav W/o Piyush Vaishnav, Aged About 28 Years, R/o Balani Chowk, Mungeli Police Station Mungeli, District -Mungeli Present Address -Village -Minminiya, Police Station Bodla, District - Kabirdham Chhattisgarh

**... Respondents/**

**Non-applicants**

(Cause title taken from Case Information System)

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For Petitioners : Mr. Chandrikaditya Pandey, Advocate.

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For Respondent : Mr. Sourabh Sahu, Panel Lawyer.  
No.1/State

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For Respondent No.2 : Mr. Sameer Singh, Advocate.

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, C.J.**

**06-05-2026**

1. The present petition has been filed by the petitioners with the following prayer:-

“It is, therefore, prayed that this Hon'ble Court may kindly be pleased to quash the first information report bearing Crime No. 141/2024 registered at Police Station Bodla,

District - Kabirdham (C.G.) for the offence punishable under section 498-A, 34 of Indian Penal Code on 22.08.2024, the entire charge-sheet including final report No. 181/2024 dated 10.10.2024 for the offence punishable under Section 498-A, 34 of Indian Penal Code and order dated 22.11.2024 passed by the learned Judicial Magistrate First Class, Kawardha, District Kabirdham (C.G.) that sufficient grounds are available for taking cognizance against the applicants for the offence punishable under Section 498-A, 34 of Indian Penal Code, registration of the case as Criminal Case No. 4245/2024 order dated 07.02.2026 whereby the application under section 262 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been dismissed and the subsequent proceedings before the learned Trial Court i.e. 3<sup>rd</sup> Civil Judge Class-I-cum-Judicial Magistrate First Class, Kawardha, District Kabirdham (C.G.), in the interest of justice.”

2. The facts of the case in brief are that, the marriage between the petitioner and the respondent No.2/complainant was solemnized on 27.06.2020 as per Hindu rites and customs. After the marriage the complainant started residing in her matrimonial home along with the accused persons (petitioners). On 21.03.2024 the respondent no.2 filed a complaint alleging that the petitioners subjected her to physical and mental cruelty and demanded money and vehicle in the name of dowry. Based on these allegations, FIR No. 141/2024 was registered on

25.06.2024 at police station- Bodla, District Kabirdham under section 498-A, 34 of the IPC. After completion of investigation, the police field charge sheet bearing No.181/2024 dated 10.10.2024 before the learned Judicial Magistrate First Class, Kawardha, District Kabirdham. The learned magistrate took cognizance of the offences on 22.11.2024. During the pendency of the trial, an application under Section 262 of BNSS, 2023 was filed by the petitioners before the learned trial Court which was dismissed vide order dated 07.02.2026 and the matter has been fixed before the learned trial Court for argument before charge.

3. Considering the nature of the dispute, this Hon'ble Court deemed it appropriate to refer the matter for settlement through mediation also directed the parties to appear before the mediation center of this Court on 13.04.2026, however, respondent No.2 could not appear before the mediation center on that date. Thereafter, on 22.04.2026 on the prayer made by learned counsel for respondent No.2 another date 29.04.2026 was given by this Court for appearance of respondent No.2 before the mediation center. Vide report 04.05.2026 the mediation center has reported that 'the matter is not settled'.

4. Learned counsel for the petitioners submits that the FIR and charge sheet in Criminal Case No. 4245/2024 are based on vague, omnibus, and general allegations of dowry harassment, cruelty, and domestic violence, without specifying any act, date, or role attributable to each petitioner. There is no independent corroborative evidence such as medical reports, proof of dowry demand, seizure of articles, or supporting witnesses; the entire case rests solely on the complainant's

statements and her family's testimony. The criminal proceedings appear to have been initiated with mala fide intent to harass the petitioners, particularly the in-laws, and the complainant's failure to settle the matter during counseling at the Women's Cell indicates a vindictive approach rather than genuine grievance. The invocation of Sections 498-A and 34 IPC is misconceived, as the allegations do not disclose the essential ingredients of dowry harassment, nor is there any evidence of pre-arranged plan or meeting of minds among the accused. The investigation was conducted in a biased manner, ignoring the petitioners' version of events and violating principles of natural justice. There is also gross and unexplained delay in lodging the FIR, nearly ten months after the most serious alleged incident, further indicating that the complaint is an afterthought and a tool of vengeance. It has been consistently held in umpteen judgments rendered by the Hon'ble Supreme Court as well as various High Courts that vague, unsubstantiated, and omnibus allegations, particularly against in-laws, cannot sustain a prima facie case under Section 498-A IPC and are liable to be quashed to prevent abuse of process. Continuation of the proceedings would cause grave injustice and undue harassment to the petitioners, including senior citizens and family members with no day-to-day involvement in the matrimonial household, and amounts to an abuse of criminal law. Allegations regarding matrimonial discord or trivial disputes, without proof of unlawful dowry demand, cannot constitute cruelty under Section 498-A IPC. Therefore, the FIR, charge sheet, and all proceedings arising therefrom are liable quashed.

5. Learned counsel appearing for the State opposes the petition and submits that the FIR in question was registered on the basis of a written complaint made by respondent No.2 alleging cruelty by the petitioners. It is submitted that upon receipt of the complaint, the police conducted investigation in accordance with law and, after recording statements of the complainant and other witnesses and collecting relevant material, found a prima facie case to be made out against the petitioners. Consequently, the charge-sheet was filed before the concerned Court. Learned State counsel would further submit that the allegations levelled in the FIR and the charge-sheet disclose the commission of cognizable offence under Sections 498-A, 34 of the IPC, which require appreciation of evidence and determination of disputed questions of fact, and the same cannot be adjudicated in proceedings under Section 482 Cr.P.C./Section 528 of BNSS. It is further submitted that the defence raised by the petitioners, including contention of no corroborative material as well as the alleged delay in lodging the FIR, are matters which may be examined by the trial Court during trial and do not, by themselves, constitute a ground for quashment of the criminal proceedings at the threshold. On the aforesaid grounds, learned counsel for the State submits that the petition may be dismissed, leaving it open for the petitioners to raise all permissible defences before the trial Court.

6. Learned counsel for respondent No.2/complainant submits that there are allegations against the petitioners in the complaint as well as in the FIR. Further, there are sufficient material in the charge sheet to

substantiate the allegations made by the complainant to proceed with the trial.

7. We have heard learned counsel appearing for the respective parties and have perused the documents appended with these petitions.

8. At the outset, it would be appropriate to consider the scope of interference in charge-sheet filed by the police against accused in extraordinary jurisdiction under Section 482 of the CrPC/528 of the BNSS.

9. In the matter of **Pepsi Foods Ltd. and another v. Special Judicial Magistrate and others**, 1998) 5 SCC 749 the Supreme Court has held that the accused can approach the High Court either under Section 482 of the CrPC/528 of BNSS or under Article 227 of the Constitution of India to have the proceeding quashed against him when the complaint does not make out any case against him.

10. The Supreme Court in the matter of **State of Haryana and others v. Bhajan Lal and others**, 1992 Supp (1) SCC 335 laid down the principles of law relating to the exercise of extraordinary power under Article 226 of the Constitution of India to quash the first information report and it has been held that such power can be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. In paragraph 102 of the report, their Lordships laid down the broad principles where such power under Article 226 of the Constitution/Section 482 of the CrPC/528 of BNSS should be exercised, which are as under: -

“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 private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will 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 and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

11. The principle of law laid down in *Bhajan Lal's case* (supra) has been followed recently by the Supreme Court in the matters of **Google India Private Limited v. Visaka Industries**, (2020) 4 SCC 162, **Ahmad Ali Quraishi and another v. State of Uttar Pradesh and another**, 2020) 13 SCC 435 and **Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra and others**, (2019) 18 SCC 191. The Supreme Court in **Google India Private Limited** (supra), explained the scope of dictum of **Bhajan Lal's case** (supra) that the power of quashing a criminal proceeding be exercised very sparingly and with circumspection and “that too in the rarest of rare cases” as indicated in paragraph 103 therein of the report.

12. Having noticed the scope of interference by this Court in the

petition relating to quashment of FIR/charge-sheet, reverting to the facts of the present case, it is quite vivid that in the impugned charge-sheet, the petitioners have been charged for offence under Sections 498-A, 34 of the IPC.

13. Chapter XXA of the IPC deals with offence of cruelty by husband or relatives of husband. Section 498A of the IPC defines the offence of cruelty as under:-

**“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 purpose 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.”

14. A careful perusal of the aforesaid provision would show that in order to establish offence under Section 498-A of the IPC, the

prosecution must establish-

- (i) That, woman must be married;
- (ii) She has been subjected to cruelty or harassment and
- (iii) Such cruelty or harassment must have been shown either by husband of the woman or by relative of her husband.

15. The word 'cruelty' within the meaning of Section 498A of the IPC has been explained in Explanation appended to Section 498A of the IPC. It consists of two clauses namely clause (a) and clause (b). To attract Section 498A of the IPC, it must be established that cruelty or harassment to the wife to coerce her or cause bodily injury to herself or to commit suicide or the harassment was to compel her to fulfill illegal demand for dowry. It is not every type of harassment or cruelty that would attract Section 498A of the IPC. Explanation (b) to Section 498A of the IPC contemplates harassment of woman to coerce or any relation of her to meet any unlawful demand for any property or valuable security. The complainant if wants to come within the ambit of Explanation (b) to Section 498A of the IPC, she can succeed if it is proved that there was an unlawful demand by the husband or any of his relatives with respect to money or of some valuable security.

16. The Supreme Court in the matter of **Priya Vrat Singh and others v. Shyam Ji Sahai**, (2008) 8 SCC 232 considered the issue of delay in lodging the complaint as well as role that has been ascribed to the accused therein and quashed the complaint holding the delay of two

years in lodging FIR to be fatal and further held that no role has been ascribed to the petitioner/accused therein. It was observed as under:-

“8. Further it is pointed out that the allegation of alleged demand for dowry was made for the first time in December, 1994. In the complaint filed, the allegation is that the dowry torture was made some times in 1992. It has not been explained as to why for more than two years no action was taken.

9. Further, it appears that in the complaint petition apart from the husband, the mother of the husband, the subsequently married wife, husband's mother's sister, husband's brother in law and Sunita's father were impleaded as party. No role has been specifically ascribed to anybody except the husband and that too of a dowry demand in February 1993 when the complaint was filed on 6.12.1994 i.e. nearly after 22 months. It is to be noted that in spite of service of notice, none has appeared on behalf of Respondent No.1.”

17. Similarly, in the matter of **Sunder Babu and others v. State of Tamil Nadu**, (2009) 14 SCC 244 delay in filing complaint against accused therein was taken note of by their Lordships of the Supreme Court holding the case to be covered by Category Seven of para-102 highlighted in **Bhajan Lal's** case (supra), the prosecution for offence under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act was quashed.

18. Similarly, in the matter of **Geeta Mehrotra** (supra), the Supreme Court held that casual reference to the family member of the husband in FIR as co-accused particularly when there is no specific allegation and complaint did not disclose their active involvement. It was held that cognizance of matter against them for offence under Sections 498-A,

323, 504 and 506 of the IPC would not be justified as cognizance would result in abuse of judicial process.

19. In the matter of **K. Subba Rao and others v. State of Telangana represented by its Secretary, Department of Home and others**, 15 (2018) 14 SCC 452 their Lordships of the Supreme Court delineated the duty of the criminal Courts while proceeding against relatives of victim's husband and held that the Court should be careful in proceeding against distant relatives in crime pertaining to matrimonial disputes and dowry deaths and further held that relatives of husband should not be roped in on the basis of omnibus allegations, unless specific instances of their involvement in offences are made out.

20. In the matter of **Rashmi Chopra** (supra) it has been held by their Lordships of the Supreme Court relying upon the principle of law laid down in **Bhajan Lal's** case (supra) that criminal proceedings can be allowed to proceed only when a prima facie offence is disclosed and further held that judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of oppression or harassment and the High Court should not hesitate in exercising the jurisdiction to quash the proceedings if the proceedings deserve to be quashed in line of parameters laid down by the Supreme Court in **Bhajan Lal's** case (supra) and further held that in absence of specific allegation regarding anyone of the accused except common and general allegations against everyone, no offence under Section 498A IPC is made out and quashed the charges for offence under Section

498A of the IPC being covered by category seven as enumerated in

**Bhajan Lal's** case (supra) by holding as under:-

“24. Coming back to the allegations in the complaint pertaining to Section 498A and Section 3/4 of D.P. Act. A perusal of the complaint indicates that the allegations against the appellants for offence under Section 498A and Section 3/4 of D.P. Act are general and sweeping. No specific incident dates or details of any incident has been mentioned in the complaint. The complaint having been filed after proceeding for divorce was initiated by Nayan Chopra in State of Michigan, where Vanshika participated and divorce was ultimately granted. A few months after filing of the divorce petition, the complaint has been filed in the Court of C.J.M., Gautam Budh Nagar with the allegations as noticed above. The sequence of the events and facts and circumstances of the case leads us to conclude that the complaint under Section 498A and Section 3/4 of D.P. Act have been filed as counter blast to divorce petition proceeding in State of Michigan by Nayan Chopra.

25. There being no specific allegation regarding any one of the applicants except common general allegation against everyone i.e. “they started harassing the daughter of the applicant demanding additional dowry of one crore” and the fact that all relatives of the husband, namely, father, mother, brother, mother’s sister and husband of mother’s

sister have been roped in clearly indicate that application under Section 156(3) Cr.P.C. was filed with a view to harass the applicants.....”

21. Having noticed the legal position governing the quashment of FIR and charge-sheet, the question that arises for consideration is whether, taking the allegations made in FIR No. 141/2024 and the charge sheet at their face value, any prima facie offence under Sections 498A of the Indian Penal Code is made out against the petitioners.

22. It is the case of the prosecution that the marriage of respondent No.2 was solemnized with petitioner Piyush Vaishnav on 27.06.2020 as per Hindu rites and rituals, and that soon thereafter she was subjected to cruelty, harassment and demand of money by the petitioners. On the basis of her written complaint, FIR No.141/2026 was registered at Police Station Bodla, District Kabirdham and after completion of investigation, the police filed charge-sheet for the offence under Section 498A, 34 of the IPC before the Court of learned Judicial Magistrate First Class, Kabirdham and presently Criminal Case No.4245/2024 is pending before the learned trial Court.

23. However, a careful examination of the FIR and the statements forming part of the charge sheet reveals that the allegations made by respondent No.2 are general, omnibus and lacking in specific particulars regarding dates, instances, or overt acts attributable to the petitioners. The later allegations made in the FIR reflect substantial improvements and embellishments inconsistent with her earlier version. Except broad and vague assertions that the petitioners ill-treated her

and reiteration of adverse situations between the parties, no specific allegation is made against the petitioners to constitute cruelty within the meaning of Section 498-A IPC.

24. Considering the submissions of learned counsel for the parties and the material placed on record, particularly the nature of allegations in the FIR and charge sheet, which are bald, omnibus and inherently inconsistent, this Court is of the considered opinion that no prima facie offence under Section 498-A of the Indian Penal Code is made out against the petitioners. The allegations do not disclose any specific conduct amounting to cruelty as defined under Section 498-A IPC, nor do they disclose any unlawful demand of dowry so as to satisfy Explanation (b). The prosecution appears to be covered by Category 1, 3 and 7 of paragraph 102 of **Bhajan Lal** (supra), being based on vague assertions, improvements, and indications of mala fide arising out of matrimonial discord and disagreement. Accordingly, continuation of criminal proceedings would amount to abuse of the process of law.

25. As a natural consequence of the above analysis, FIR bearing No. 141/2024 registered at Police Station- Bodla, District Kabirdham, Chhattisgarh on 25.06.2024 for offence under Sections 498-A, 34 of the IPC, charge-sheet No.181/2024 dated 10.10.2024, order taking cognizance dated 22.11.2024 and consequential proceedings in Criminal Case No.4245/2024 pending before the learned trial Court, i.e., 3<sup>rd</sup> Civil Judge Class-I-cum-Judicial Magistrate First Class, Kawardha, District Kabirdham (C.G.) against the petitioners are hereby quashed. The petition is accordingly **allowed**. Since the impugned FIR and all

consequential proceedings against the petitioners are quashed, the prayer for quashment of rejection order of the application filed by the petitioners under Section 262 of BNSS, 2023 has rendered infructuous.

Sd/-

**(Ravindra Kumar Agrawal)**  
Judge

Sd/-

**(Ramesh Sinha)**  
Chief Justice