



2026:CGHC:18938-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 910 of 2026

1 - Ankit Tiwari S/o Rakesh Tiwari, Aged About 36 Years R/o Viilla 41, Salasar Green, Sarena, Thana- D.D. Nagar, District- Raipur (C.G.)

2 - Rakesh Kumar Tiwari S/o Late Ram Krishna Tiwari, Aged About 66 Years R/o Viilla 41, Salasar Green, Sarena, Thana- D.D. Nagar, District- Raipur (C.G.)

3 - Pushpa Tiwari W/o Rakesh Tiwari Aged About 64 Years R/o Viilla 41, Salasar Green, Sarena, Thana- D.D. Nagar, District- Raipur (C.G.)

4 - Swati Dubey W/o Suraj Dubey, Aged About 41 Years R/o DKB 67/187, Ward No. 67, Thana-City Colony Om Shri Shaym Chowk Changora Bhata Raipur, District- Raipur (C.G.)

5 - Suraj Dubey S/o Shri Sohan Lal Dubey, Aged About 39 Years R/o DKB 67/187, Ward No. 67, Thana-City Colony Om Shri Shaym Chowk Changora Bhata Raipur, District- Raipur (C.G.)

... **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Police Station Mahila Thana District- Bilaspur (C.G.)

2 - Jyoti Mishra W/o Ankit Tiwari, Aged About 34 Years R/o Near Durga Mandir Jabdapara, P.S. Sarkanda District- Bilaspur (C.G.)

... **Respondent(s)**

For Petitioner(s) : Mr.Ashutosh Pandey, Advocate

For Respondent : Mr.Shailendra Sharma, Panel Lawyer
No.1

For Respondent : Ms.Pooja Loniya, Advocate
No.2



Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

24/04/2026

1. Heard Mr. Ashutosh Pandey, learned counsel for the petitioners, Mr. Shailendra Sharma, learned Panel Lawyer for the State/respondent No. 1 as well as Ms. Pooja Loniya, learned counsel for respondent No. 2.
2. By this petition under Section 528 of the BNSS, the petitioners have prayed for the following relief(s):

"I Quash and set aside the FIR bearing Crime No. 85/2021 dated 05.12.2021 in Crime No. 85/2021 for offence punishable under section 498-A, 34 of I.P.C. (Annexure-P/1)

II Quash and set aside the Final Report No. 11/2022 dated 01.02.2022 in Crime No. 85/2021 for the offence punishable under section 498-A, 34 of I.P.C. (Annexure-P/2)

III Quash and set aside the cognizance order dated 15.02.2022 in Crime No. 85/2021 (Annexure-P/3)

IV Quash and set aside the Order dated 08.08.2024 whereby learned Judicial Magistrate First Class has framed the charges U/S. 498-A R/W. 34 of I.P.C. (Annexure P/4)

V Quash the entire criminal proceedings arising out of Crime No. 85/2021 for offences punishable under section 498-A, 34 of I.P.C... pending before the Judicial Magistrate First Class, Bilaspur Distt - Bilaspur (C.G.) in Criminal Case no. 411/2022 against the petitioners.



VI Pass such order or further order(s) as this Hon'ble Court may deemed fit, proper and just in the fact and circumstances of the present case, to secure the ends of justice.”

3. The facts, in brief, as projected by the petitioners are that the marriage of petitioner No.1 with respondent No.2 was solemnized on 30.01.2020 at Mohan Marriage Palace, Raipur. After the marriage, the parties initially lived together peacefully for about one month. Thereafter, respondent No.2 allegedly returned to her parental home and, upon resuming cohabitation, started creating disputes, particularly insisting that petitioner No.1 live separately from his aged parents.
4. It is the case of the petitioners that respondent No.2 frequently quarrelled with family members, avoided cohabitation, and was engaged in constant use of social media, including alleged objectionable conversations with unknown persons. When questioned, she allegedly threatened the petitioner with false criminal implications.
5. It is further alleged that respondent No.2, with mala fide intention, uploaded objectionable content on social media, causing mental harassment to the petitioners. Ultimately, she left the matrimonial home and returned to her parental house in July 2021. Thereafter, petitioner No.1 had earlier submitted a complaint on 30.10.2021 before Mahila Thana, Bilaspur. Subsequently, on 05.12.2021, respondent No.2 lodged an FIR at Mahila Thana, Bilaspur,



alleging demand of dowry of ₹50 lakhs and a Honda City car, leading to registration of Crime No. 85/2021 under Sections 498-A and 34 IPC against the petitioners.

6. The charge sheet was filed on 01.02.2022, cognizance was taken on 15.02.2022, and charges were framed on 08.08.2024. It is stated that till date, no prosecution witnesses have been examined before the trial court. Hence, this petition.
7. Learned counsel for the petitioners submitted that the impugned FIR, charge sheet, cognizance order, and the consequential order framing charges are ex facie illegal, arbitrary, and constitute a gross abuse of the process of law, having been initiated with an oblique motive to harass the petitioners. It was contended that even if the allegations in the FIR are taken at their face value, no offence under Section 498-A IPC is made out, as the essential ingredients of "cruelty" are completely absent. The FIR is vague, omnibus, and lacks specific particulars such as date, time, place, and specific role attributed to each petitioner. There is no allegation of wilful conduct of such gravity as is likely to drive the complainant to commit any act of mental or physical harm, nor any specific allegation of unlawful demand soon after marriage.
8. It was further submitted that the case is a classic example of misuse of Section 498-A IPC, wherein all family members have been roped in mechanically without any prima facie material. Petitioners No.4 and 5 are living separately and have no connection with the matrimonial life of the parties, yet have been



falsely implicated. Petitioners No.2 and 3, being aged parents of petitioner No.1, were residing separately at Bhanupratappur and have been implicated only because the complainant did not wish to reside with them. Learned counsel further argued that the allegation of demand of ₹50 lakhs and a Honda City car is false and fabricated, as the petitioner was already the owner of the said vehicle prior to the marriage. Similarly, the allegation regarding a Swift car is also incorrect, as the vehicle belonged to petitioner No.1's mother and was financed and purchased prior to the marriage, which falsifies the prosecution story regarding dowry demand. It was also submitted that the FIR has been lodged after inordinate and unexplained delay, indicating malafide intention and afterthought. The complainant voluntarily left the matrimonial home and has initiated proceedings only as a counterblast due to personal differences, thereby clearly indicating ulterior motive. It was contended that respondent No.2 has illicit relationship with 2-3 persons and this fact has been mentioned by petitioner No.1 in the divorce petition filed before the learned Family Court. Lastly, it was submitted that the present case squarely falls within the parameters laid down by the Hon'ble Supreme Court for quashing of criminal proceedings, as the allegations are absurd, inherently improbable, and do not disclose any cognizable offence. Therefore, continuation of criminal proceedings would result in gross



miscarriage of justice and amounts to abuse of process of law, warranting interference under Section 482 CrPC (Section 528 BNSS).

9. On the other hand, learned counsel for respondent No.2 opposed the petition and submitted that the FIR clearly discloses specific allegations of cruelty and dowry demand, attracting the offence under Section 498-A IPC. It was argued that the allegations are not vague or omnibus and contain sufficient particulars, and therefore prima facie case is made out against all the petitioners. It was further submitted that the defence taken by the petitioners regarding false implication, ownership of vehicles, and separate residence involves disputed questions of fact which cannot be examined in proceedings under Section 482 CrPC (Section 528 BNSS) and must be decided during trial. It was also contended that delay in lodging the FIR is natural in matrimonial disputes and does not render the prosecution false. The petitioners have been specifically named and their involvement is supported by material on record, justifying framing of charges. It was lastly submitted that the trial court has rightly framed charges on the basis of available material, and no case is made out for quashing of proceedings. Hence, the petition deserves to be dismissed.
10. We have heard learned counsel for the parties and perused the documents appended with petition.
11. In the matter of ***Geeta Mehrotra and another v. State of Uttar***



Pradesh and another¹, the Supreme Court has 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.

12. In the matter of **K. Subba Rao and others v. State of Telangana represented by its Secretary, Department of Home and others**² 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.
13. In the matter of **Rashmi Chopra v. State of Uttar Pradesh and Another**³, it has been held by the Supreme Court relying upon the principle of law laid down in **State of Haryana and others v. Bhajan Lal and others**⁴ 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

¹ (2012) 10 SCC 741

² (2018) 14 SCC 452

³ 2019 SCC OnLine SC 620

⁴ 1992 Supp (1) SCC 335



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** (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** (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.....”*

14. The Apex Court, in ***Payal Sharma v. State of Punjab & Another*** {Cr.A. No. 4773/2024, decided on 26.11.2024} had, relying on the decision in ***Geeta Mehrotra*** (supra), ***Kahkashan Kausar @ Sonam & Others v. State of Bihar & Others*** {(2022) 6 SCC 599}, ***Bhajan Lal*** (supra), and ***Umesh Kumar v. State of Andhra Pradesh & Another*** {(2013) 10 SCC 591}, had quashed the FIR and the consequential proceedings emanating therefrom.
15. Very recently, the Apex Court, in ***Dara Lakshmi Narayan & Others v. State of Telangana & Another*** {Cr.A. No. 5199 of 2024, decided on 10.12.2024}, has observed as under:

“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband’s family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or



particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

26. In fact, in the instant case, the first appellant and his wife i.e. the second respondent herein resided at Jollarpeta, Tamil Nadu where he was working in Southern Railways. They were married in the year 2015 and soon thereafter in the years 2016 and 2017, the second respondent gave birth to two children. Therefore, it cannot be believed that there was any harassment for dowry during the said period or that there was any matrimonial discord. Further, the second respondent in response to the missing complaint filed by the first appellant herein on 05.10.2021 addressed a letter dated 11.11.2021 to the Deputy Superintendent of Police, Thirupathur Sub Division requesting for closure of the said complaint as she had stated that she had left the matrimonial home on her own accord owing to a quarrel with the appellant No.1 because of one Govindan with whom the second respondent was in contact over telephone for a period of ten days. She had also admitted that she would not repeat such acts in future. In the above conspectus of facts, we find that the allegations of the second respondent against the



appellants herein are too far-fetched and are not believable.

27. xxx xxx xxx

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of



marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

30. In the above context, this Court in G.V. Rao vs. L.H.V. Prasad, (2000) 3 SCC 693 observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to



be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the 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.

32. We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by respondent No.2 was initiated with ulterior motives to settle personal scores and grudges against appellant No.1 and his family members i.e., appellant Nos.2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in Bhajan Lal. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482 CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

Observing the aforesaid, the Apex Court quashed the FIR, the charge sheet and the consequential criminal proceedings pending before the learned trial Court.

- 16.** In the complaint so made, the complainant / respondent No.2 has made only omnibus and general allegations against the petitioners without providing full particulars of the date and place, alleging that all the petitioners, including the husband, treated her with cruelty by demanding ₹50 lakhs and a Honda City car. There is no specific allegation against any of the petitioners, except for



common and general allegations that all of them demanded ₹50 lakhs and a Honda City car.

17. Considering the submissions of the learned counsel for the parties, material available on record, perusing the FIR in which no specific allegations have been made and only bald and omnibus allegations have been made against the petitioners, we are of the considered opinion that prima-facie no offence under Section 498A/34 of the IPC is made out for prosecuting the petitioners for the above-stated offences.
18. As a fallout and consequence of the above legal analysis, Criminal Case No. 411/2022 pending before the Court of Judicial Magistrate First Class, Bilaspur (Chhattisgarh), arising out of Crime No. 85/2021 registered at Police Station Mahila Thana, Bilaspur for offences under Sections 498-A/34 of the IPC, along with Final Report No. 11/2022 dated 01.02.2022, the order taking cognizance dated 15.02.2022, and the order framing charges dated 08.08.2024 against the petitioners, are hereby quashed.
19. The petition under Section 528 BNSS is **allowed** to the extent indicated hereinabove. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE