



2026:CGHC:4110-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 711 of 2022

1 - Suman Sharma W/o Subhash Sharma Aged About 57 Years R/o Hig C- 109/a, Shailendra Nagar , Police Station City Kotwali , Raipur , District Raipur Chhattisgarh.

2 - Soumya Sharma W/o Vidit Sharma Aged About 30 Years R/o 604, B Block , Wallfort City, Bhathagaon, Raipur, District : Raipur, Chhattisgarh

3 - Vidit Sharma S/o Subhash Sharma Aged About 32 Years R/o 604, B Block , Wallfort City , Bhathagaon, Raipur, District : Raipur, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Police Station Mahila Thana, Raipur,, District : Raipur, Chhattisgarh

2 - Superintendent Of Police Raipur District Raipur Chhattisgarh.

3 - Subhashini Sharma Alias Saniya D/o Mohammad Mustaq Aged About 29 Years R/o House No. B- 5, Ashoka Park , Shankiarnagar, Raipur, District Raipur Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Mr. Sabyasachi Bhaduri, Advocate.

For Respondent/State : Mr. Nitansh Kumar Jaiswal, Dy. Govt. Advocate.

For Respondent No.3 : Ms. Isha Jajodia, Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

23/01/2026

1. Heard Mr. Sabyasachi Bhaduri, learned counsel for the petitioners. Also heard Mr. Nitansh Kumar Jaiswal, learned Dy. Govt. Advocate, appearing for Respondent/State, Ms. Isha Jajodia, learned counsel for the Respondent No.3.

2. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners for quashing the FIR of Crime No. 67/2021, registered on 13.09.2021 at Police Station Mahila Thanan, Raipur, for the offence under Section 498-A, 34 of IPC, and they prayed for the following relief:

“It is, therefore, prayed that this Hon’ble Court may kindly be pleased to quash the FIR bearing number 67/2021 dated 13.09.2021 registered with PS Mahila Thana, District Raipur against the Petitioners under Section 498A/34 of the Indian Penal Code and also, all proceedings/ processes consequential thereof and incidental thereto.”

3. Brief facts of the case are that the Respondent No.3 Subhashini Sharma alias Saniya lodged a written complaint against the petitioners as well as one Subhash Sharma (co-accused), alleging that by suppressing the fact that the co-accused Subhash Sharma, is already married to the petitioner No.1 and by suppressing his earlier marriage



he again performed marriage with the respondent No.3/complainant on 19.07.2018 and upon such marriage she was being harassed by the accused persons by mentally as well as physically. The FIR was registered on 13.09.2021 against the present petitioners and co-accused Subhash Sharma. The petitioner No.1 is the legally wedded wife of Subhash Sharma, the petitioner No.2 is the daughter-in-law, and the petitioner No.3 is the son of Subhash Sharma. The said FIR is under challenge in the present Criminal Miscellaneous Petition.

4. Learned counsel for the petitioners would submit that the Respondent No.3 is claiming to be the wife of the co-accused Subhash Sharma. The petitioner No.1, Suman Sharma, is the legally wedded wife of Subhash Sharma, and even if it is considered that Subhash Sharma is married to Respondent No.3, her status would be the second wife of Subhash Sharma. No offence under Section 498-A of IPC can be registered on the complaint made by the second wife. He would also submits that in the present case vide order dated 22.09.2023 the learned Single Judge referred the issue involved in the case for its consideration by the larger bench and thereafter, the co-ordinate bench of this Court has answered the reference made by learned Single Judge vide order dated 18.01.2024 and held that the FIR under Section 498-A of IPC cannot be registered on the instance of second wife. He would further submit that there is material on record that the said order dated 18.01.2024 is challenged before any higher forum and it attains its finality; therefore, the impugned FIR registered against the present petitioners is liable to be quashed.



5. On the other hand, learned counsel for the respondent/State as well as private respondent No.3 though opposes but they do not dispute the aforesaid fact of the order passed by the coordinate bench of this Court dated 18.01.2024, in which it has been held that the FIR lodged by the second wife for the commission of offence under Section 498-A of IPC is not maintainable.

6. We have heard learned counsel for the parties and perused the record of the case.

7. From perusal of the FIR lodged by the Respondent No.3, it transpires that the FIR was lodged against 4 accused persons, i.e. Subhash Sharma, Suman Sharma, Vidit Sharma and Soumya Sharma. The present petitioners are the legally wedded wife of Subhash Sharma, the daughter-in-law and the son of Subhash Sharma. The petitioner No.3 is claimed to be married to Subhash Sharma on 19.07.2018, and in her report, it is alleged that by suppressing the earlier marriage, Subhash Sharma again performed the marriage with her. Since Subhash Sharma has already married petitioner No.1, the status of the Respondent No.3 appears to be the second wife of Subhash Sharma.

8. Vide order dated 22.09.2023, the learned Single Judge has referred the issue for decision by the larger bench of this Court to answer the following question:

“Whether the complaint/FIR lodged by the second wife for commission of offence punishable under Section 498-A of the IPC would be tenable or not?”



9. The said issue is answered by co-ordinate bench of this Court on 18.01.2024 with the following decision:

“14. In view of the aforesaid discussion and legal position, we are of the considered view that there is no apparent conflict with the decision rendered by the three judges bench of Supreme Court in **Shivcharan Lal Verma** (supra) and **Rajinder Singh** (supra), however, even if, there is conflict, as it has been held by the Supreme Court in **Union Territory of Ladakh** (supra), it is vividly clear that when there is conflicting judgments of the Supreme Court of Benches of equal strength, it is the earlier one which is to be followed by this Court, and accordingly in the instant case **Shivcharan Lal Verma** (supra) has to be followed and consequently the question is answered as under: -

The complaint or FIR lodged by second wife for commission of offence punishable under Section 498A of the IPC would not be tenable in light of principles of law laid down by their Lordships of the Supreme Court in **Shivcharan Lal Verma & Another v. State of Madhya Pradesh** ((2007) 15 SCC 369].

10. Learned counsel appearing for the parties does not dispute the aforesaid facts of the case, and there is no material produced by them



as to challenge of the said order dated 18.01.2024 before any higher forum, if any. Since the issue has already been settled by the coordinate bench of this Court that the FIR lodged by the second wife for commission of the offence punishable under Section 498-A of the IPC would not be tenable, it would be a futile exercise to put the petitioners continue in the investigation or criminal prosecution for the alleged offence.

11. Consequently, in view of the order dated 18.01.2024 passed by co-ordinate bench of this Court, we are of the opinion that the petitioners have made out the grounds for interference in the petition and the FIR lodged against them is liable to be quashed.

12. Accordingly, the FIR of Crime No. 67/2021, registered at Police Station Mahila Thana Raipur for the offence under Section 498-A, 34 of IPC with respect to the petitioner No.1 Suman Sharma, No. 2 Soumya Sharma and No.3 Vidit Sharma are hereby **quashed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Alok