



2026:CGHC:16809

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1003 of 2021

1 - Sanjay Singh S/o Late Sant Bahadur Singh, Aged About 36 Years
House No. 5/2, Street No. 12, Maitri Kunj, Risali, Bhilai, Tahsil And
District Durg Chhattisgarh

2 - Rajesh Singh, S/o Late Sant Bahadur Singh, Aged About 38 Years
House No. 5/2, Street No. 12, Maitri Kunj, Risali, Bhilai, Tahsil And
District Durg Chhattisgarh

3 - Smt. Preeti Singh W/o Rajesh Singh, Aged About 37 Years House
No. 5/2, Street No. 12, Maitri Kunj, Risali, Bhilai, Tahsil And District Durg
Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, P.S.
Mahila Thana, Durg, District Durg Chhattisgarh

2 - Smt. Sandhya Singh W/o Sanjay Singh Aged About 29 Years Village
Jora Tarai, Post Dundera, P.S. Utai, Tahsil And District Durg
Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr.M.P.S.Bhatia, Advocate

For Respondent : Mr.Priyank Rathi, Government Advocate

No.1/State

For Respondent : Mr.Sameer Oraon, 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

13/04/2026

1. Heard Mr.M.P.S.Bhatia, learned counsel for the petitioners as well as Mr.Priyank Rathi, learned Government Advocate appearing for respondent No.1/State and Mr.Sameer Oraon, learned counsel appearing for respondent No.2.
2. By this petition under Section 482 of the Code of Criminal Procedure, 1973, the petitioners have prayed for the following relief(s):

“It is, therefore, most respectfully and humbly prayed that the Hon'ble High Court may most kindly be pleased to allow the petition and may quash the impugned FIR dated 03.08.2021 (Ann, A-11) registered as Crime No. 64/2021 lodged at P.S. Mahila Thana, Durg District Durg by the complainant/respondent No. 2 against the applicants u/S. 498-A/34 of IPC and its consequences, in the interest of justice.”

3. The facts, in brief, as projected by the petitioners are that the marriage between petitioner No. 1 and respondent No. 2 was solemnized on 28.04.2016 at Bhilai as per Hindu rites. Petitioner Nos. 2 and 3 are the elder brother and sister-in-law of petitioner No. 1. Soon after marriage, respondent No. 2 behaved cruelly and left the matrimonial home on 02.06.2016. She briefly returned between 25.10.2016 and 11.11.2016. Thus, she stayed with



petitioner No. 1 for less than two months in total. On 11.02.2017, respondent No. 2 visited petitioner No. 1's workplace in Delhi without intimation, causing mental stress. Due to her conduct, petitioner No. 1 suffered psychiatric illness and was hospitalized from 21.05.2017 to 16.06.2017. Since then, the parties have been living separately. Petitioner No.1 filed a petition for divorce under Section 13 of the Hindu Marriage Act in 2018. During counseling proceedings in 2018, respondent No. 2 admitted the dispute, expressed unwillingness to live with petitioner No. 1, and a settlement for mutual divorce with payment of ₹5,00,000 was arrived at. However, she failed to honor the settlement. In her written statement, respondent No. 2 did not deny that she had been living separately since May 2017. Despite this, respondent No. 2 lodged an FIR dated 03.08.2021 under Section 498-A/34 IPC making false allegations, including that she resided with petitioner No. 1 till 2020, which is contrary to records and her earlier statements. The petition filed by petitioner No.1 under Section 13 of the Hindu Marriage Act in 2018 was allowed by the Second Additional Principal Judge, Family Court, Durg in Civil Suit No.355/2018 and decree of divorce was granted in favour of petitioner No.1 vide judgment and decree dated 17.01.2022 on the ground of cruelty committed by respondent No.2. As such, the FIR is false, malicious, and filed with the intent to harass the applicants amid ongoing matrimonial litigation and continuation of



proceedings pursuant to the impugned FIR would amount to abuse of process of law and cause grave injustice.

4. Learned counsel for the petitioners submits that the impugned FIR dated 03.08.2021 registered under Section 498-A/34 IPC is wholly false, malicious and an abuse of the process of law. It is submitted that the marriage between petitioner No. 1 and respondent No. 2 was solemnized on 28.04.2016; however, respondent No. 2 left the matrimonial home within a short span and, in total, resided with petitioner No. 1 for less than two months. Since May 2017, the parties have been living separately. It is further submitted that due to the conduct of respondent No. 2, petitioner No. 1 suffered severe mental stress and was hospitalized for psychiatric treatment. Thereafter, petitioner No. 1 initiated divorce proceedings under Section 13 of the Hindu Marriage Act in the year 2018. Learned counsel submits that during counseling proceedings, respondent No. 2 categorically expressed her unwillingness to reside with petitioner No. 1 and a settlement for mutual divorce was arrived at, which she subsequently failed to honor. Even in her written statement filed in 2019, respondent No. 2 did not deny that she had been living separately since May 2017. It is further contended that the competent Family Court, Durg, after appreciating the evidence on record, has already granted a decree of divorce in favour of petitioner No. 1 vide judgment and decree dated 17.01.2022 on the ground of cruelty committed by respondent No. 2. Learned counsel submits that



despite these admitted and established facts, respondent No. 2 lodged the impugned FIR in the year 2021 containing patently false allegations, including that she resided with petitioner No. 1 till 2020, which is contrary to the record and her own earlier statements. It is thus argued that the impugned FIR has been lodged with an ulterior motive to harass the petitioners and to wreak vengeance in view of the matrimonial dispute and divorce proceedings. Therefore, it is submitted that the continuation of criminal proceedings pursuant to the impugned FIR would amount to gross abuse of the process of law and would cause grave injustice to the petitioners. In view of the above, it is prayed that this Court may kindly quash the impugned FIR and all consequential proceedings in the interest of justice.

5. On the other hand, learned counsel appearing for respondent No.2 opposes the submissions made by learned counsel for the petitioners, however, does not dispute the fact that divorce has taken place between petitioner No.1 and respondent No.2 and also admitted that no appeal was filed against the decree of divorce passed by the Family Court.
6. We have heard learned counsel for the parties and perused the documents appended with petition.
7. In the matter of ***Geeta Mehrotra and another v. State of Uttar Pradesh and another***¹, the Supreme Court has held that casual reference to the family member of the husband in FIR as co-

¹ (2012) 10 SCC 741



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.

8. 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.
9. 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 cannot be allowed to be converted into an instrument of oppression or harassment and the High Court should not hesitate

² (2018) 14 SCC 452

³ 2019 SCC OnLine SC 620

⁴ 1992 Supp (1) SCC 335



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.....”

10. 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.
11. 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.



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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.

12. In the complaint so made, the complainant has only made omnibus and general allegations against the petitioners without being full particulars about date and place that all the petitioners including the husband treated her with cruelty for bringing ten lakhs rupees and Honda City Car. There is no specific allegation regarding anyone of the petitioners except common and general allegations against all the petitioners that they have demanded cash amount.



13. 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 and the fact that the petition filed by petitioner No.1 under Section 13 of the Hindu Marriage Act in 2018 was allowed by the Second Additional Principal Judge, Family Court, Durg in Civil Suit No.355/2018 and decree of divorce was granted in favour of petitioner No.1 vide judgment and decree dated 17.01.2022 on the ground of cruelty committed by respondent No.2 and also considering the fact that no appeal was filed by respondent No.2 against the said decree, 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.
14. As a fallout and consequence of the above-stated legal analysis, FIR in Crime No.64/2021 registered at Police Station Mahila Thana, Durg, District Durg for offence under Section 498A/34 of the IPC against the petitioners is hereby quashed.
15. The petition under Section 482 CrPC is **allowed** to the extent indicated hereinabove. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE