

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Cr. MMO No. : 412 of 2025****Reserved on : 06.08.2025****Decided on : 04.11.2025**

Akhil Rana & Others

...Petitioners

Versus

State of Himachal Pradesh & Another

...Respondents

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹ Yes.*

For the petitioners : Ms. Reeta Hingmang, Advocate with
Mr. Mridul Nag, Advocate (through
Video Conferencing).

For the respondents : Mr. Tejasvi Sharma, Additional
Advocate General with Ms. Ranjna
Patil, Deputy Advocate General, for
respondent No.1.

Mr. Romesh Verma, Senior Advocate
with Mr. Tarun K. Sharma,
Advocate, for respondent No.2.

Virender Singh, Judge

Petitioners, have filed the present petition,
under Section 528 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (hereinafter referred to as the 'BNSS')/
(Section 482 of the Cr.PC), for quashing of FIR No. 21
dated 28.01.2025 (hereinafter referred to as the FIR, in
question), registered under Sections 498-A, 354, 323, 504

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*



and 506 read with Section 34 of the Indian Penal Code (hereinafter referred to as 'the IPC'), which was registered on the basis of zero FIR No.1/2025, dated 28.01.2025, under Sections 498-A, 354, 323, 504, 506 read with Section 34 IPC with Police Station Dharampur, District Mandi, H.P. Petitioner No.1 is husband of respondent No.2, whereas, petitioners No.2 and 3 are father-in-law and mother-in-law of respondent No.2.

2. FIR, in question, is stated to be abuse of process of law and the same is stated to have been lodged by respondent No.2, with an intent/motive to pressurize and harass the petitioners, so that the petitioners could bow down, before the demands of respondent No.2, for payment of unwarranted and unjustified amount of alimony to the tune of one crore rupees, in the matrimonial dispute, which is pending between petitioner No.1 and respondent No.2.

3. Brief facts, as pleaded, in the petition, are that petitioner No.1 and respondent No.2 got married on 05.10.2017 and due to the matrimonial dispute, they could not live together and separated on 01.07.2022. The



petitioners dropped respondent No.2, at her parents house in Pathankot. After two months, respondent No.2 got served a legal notice upon petitioner No.1, through her Advocate, in which, she has asserted the fact that she wanted to sort out the dispute amicably, as such, notice was served. She has shown her intention, in the legal notice, that she does not want to divorce petitioner No.1 and she is ready and willing to continue with the marriage obligations sincerely.

4. In the said notice, no accusation has been made against the petitioners. Not only this, she has not made any averment regarding the incident of alleged sexual abuse or any attempt made by petitioner No.2 to outrage her modesty, during her entire stay in the matrimonial home. According to the petitioners, in the said notice, respondent No.2, specifically admitted that petitioner No.2, used to treat her normally, whenever, her husband is out of matrimonial home. In this regard, copy of the legal notice has also been annexed with the petition, as Annexure A-2.



5. It is the further case of the petitioners that petitioner No.1, had filed a divorce petition, under Section 13 of the Hindu Marriage Act 1955, on 15.09.2022. In the said proceedings, respondent No.2, has not filed any response, however, on 28.04.2023, she had filed a complaint against the petitioners and on the said complaint, petitioner No.2, was directed by the SHO to mark his presence, in the Police Station, on 29.04.2023. Even, in the said complaint, respondent No.2, has not uttered or mentioned even a single incident of cruelty or sexual harassment inflicted upon her, by the petitioners, especially petitioner No.2.

6. Although, the copy of the said complaint has not been provided to petitioner No.2 by the SHO Police Station, Palampur, however, this incident has specifically been mentioned by the complainant in para 4(iv) of her petition, under Section 9 of the Hindu Marriage Act, which is annexed with the petition as Annexure A-3.

7. Petitioners have further pleaded that respondent No.2, thereafter, moved a complaint to the Commission, Mayor/Deputy Mayor of Municipal



Corporation Palampur, on 29.04.2023, in which, she has again not averred anything about the cruelty by the petitioners or alleged sexual abuse, by petitioner No.2. Rather, respondent No.2, in the said complaint, has expressed her intention to join the matrimonial home. She has also alleged in the complaint that she just wants to enter in the matrimonial home to see and collect her belongings, which are left over by her in the matrimonial home.

8. Petitioners have further pleaded that on 30.04.2023, respondent No.2, along with Deputy Mayor and Counsellor of Municipal Corporation, Palampur, entered in the matrimonial home with a false promise that she has got a job at Mandi and she just wanted to collect her belongings from the matrimonial home, but, to the utmost surprise of everyone, respondent No.2, after entering into the matrimonial home, blatantly refused to move out. The petitioners, in this regard, have relied upon the statement of respondent No.2, which, according to them, was duly witnessed and signed by Deputy Mayor and



Counsellor, before entering into the matrimonial home.

The said statement has been annexed as Annexure A-5.

9. In the said statement, respondent No.2, has not mentioned any incident, as levelled in the FIR, in question.

10. When, respondent No.2, has refused to move out from the matrimonial home, then, on 03.05.2023, petitioners No.2 and 3, left with no other option, but, to make a SOS call to Mayor, Deputy Mayor and Counsellor of Municipal Corporation Palampur, as respondent No.2, during her short stay of two days in the matrimonial home, intentionally started picking up quarrels with them on trivial matters, upon which, Mayor, Deputy Mayor and Counsellor, visited the matrimonial home and after much Counselling and conciliation, respondent No.2, voluntarily, agreed to enter into a compromise with petitioners No.2 and 3.

11. The said compromise was reduced into writing and was signed, by respondent No.2, in the presence of those persons, who had also signed the same. As per the compromise, the complainant agreed to get shifted herself in a separate accommodation, provided to her by petitioner



No.2, who has also paid a sum of Rs.10,000/- to her for immediate and necessary expenditure. The compromise deed is annexed with the petition as Annexure A-6.

12. Doubting the genuineness of the allegations of respondent No.2, it is the further case of the petitioners that when the said matter was compromised and respondent No.2, had interacted with Mayor Smt. Poonam Bali, she has not uttered a single word qua the fact that she has ever been treated with cruelty or sexual abuse by the petitioners, especially petitioner No.2.

13. On 12.05.2023, respondent No.2, made another application before Deputy Mayor, M.C. Palampur, in which, she has complained that the scooty, which was agreed to be given to her, as per the compromise, has not been given to her. The said application was forwarded to SHO Palampur, copy of which has been annexed as Annexure A-7.

14. In those proceedings, respondent No.2, on 14.05.2023, made statement before the I.O. that the possession of the Scooty has been given to her and also stated voluntarily that she has no grudge against her



father-in-law and prayed that the application dated 12.05.2023, be filed.

15. According to the petitioners, after about 13 months, respondent No.2, made a complaint that on 02.08.2023, before the Superintendent of Police Kangra, which was forwarded to Women Police Station Dharamshala. Copy of application dated 02.08.2023, is annexed with the application as Annexure A-9.

16. In the application dated 2.8.2023, respondent No.2, has levelled allegations regarding outraging her modesty, against petitioner No.2. On 11.08.2023, when she was inquired by the I.O., she has resiled from her statement and made a statement that she will press the allegations of outraging her modesty later on. In this regard, the petitioners have relied upon her statement Annexure A-10.

17. Contradictory stand taken by respondent No.2, has also been highlighted that in her statement, Annexure A-10, it has been got recorded, by respondent No.2, that in the month of April, 2021, petitioner No.2 had thrown hot boiling water upon her, whereas, in the FIR, in question,



she has narrated the incident, by alleging, that in the month of April 2021, petitioner No.1 had thrown hot boiling water upon her, at the instance and provocation of petitioners No.2 and 3.

18. All these facts have been pleaded to show that whatsoever, allegations have been levelled, by the complainant-respondent No.2, are afterthought and concocted story.

19. On the basis of the complaint dated 2.8.2023, the proceedings under the Domestic Violence Act, were initiated in the Court of learned Additional Chief Judicial Magistrate, Palampur.

20. In addition to this, respondent No.2, had also filed two more cases, simultaneously, on 27.02.2024, one under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and second case was filed by way of private complaint under Sections 403 and 406 of the IPC, in the Court of learned Additional Chief Judicial Magistrate, Palampur. Copy of the private complaint has been annexed as Annexure A-11.



21. In both the proceedings, respondent No.2, has not uttered even a single word qua the cruelty, as well as, sexual abuse, as mentioned in the FIR, in question.

22. After registration of the FIR, in question, respondent No.2, filed petition, under Section 144 of the BNSS, in which, she has not mentioned any incident of outraging her modesty by respondent No.2. The FIR, in question, is stated to be false and concocted one. All the allegations, as levelled in the FIR, in question, are stated to be bundle of lies, just to harass the petitioners.

23. On the basis of the above facts, a prayer has been made to quash the FIR, in question.

24. When put to notice, the police filed the status report, disclosing therein, that on 28.01.2025, a zero FIR from Police Station, Dharampur, District Mandi, was received, mentioning therein, that respondent No.2- Pratima Rana, made a complaint before the police of Police Station, Dharampur, District Mandi, stating therein that she was married to accused No.1-Akhil Rana, on 15.10.2017, as per Hindu rites and rituals. The said marriage was stated to be love-cum-arrange marriage.



25. In the marriage, the father of the complainant had given dowry/Stridhan, more than his capacity. In this regard, she has enclosed the list of the dowry with the complaint, which is stated to be in possession of the accused persons (petitioners). Hotel expenses were also borne out by the father of the complainant, by paying the amount from her account through Cheque No.872786. Complainant and accused No.1, came in contact with each other through Social Media App and they remained in touch with each other for about two years. Thereafter, on 05.10.2017, with the consent of both the families, their marriage was solemnized. Accused No.1 Akhil Rana, is stated to be working in Merchant Navy.

26. According to the complainant, accused No.2 and 3, were not satisfied with the marriage, as, they were made ready for the marriage, forcefully, by accused No.1, on the ground that father of the complainant is working in the Intelligence Department and they will get huge amount, big car and ornaments in the marriage. Accused No.1 has solemnized the marriage with this intention with the



complainant, but, they became angry on her, for not getting the desired dowry.

27. According to the complainant, accused No.2 and 3 used to maltreat her and taunt her for bringing less dowry. Accused No.2 and 3, conspired with accused No.1 as they wanted to get rid of the complainant, and were interested that complainant may not live happily in the matrimonial home, since, due to bringing less dowry, they felt humiliated in the society.

28. Accused No.2 and 3 had made efforts to harass the complainant, so that, she would leave the matrimonial home herself and may also seek divorce. Due to this fact, they used to demand dowry and treat her with cruelty. The complainant has levelled the allegations that accused No.2 also keeps evil eye on her.

29. According to the complainant, accused No.1, also failed to treat her as his legally wedded wife and used to maintain distance from her. Accused No.2 and 3 also instructed him to maintain distance, so that, she would leave the matrimonial home and she may not give birth to



any child. Accused persons are stated to be interested in remarriage, in a rich family.

30. According to the complainant, once, she was sleeping in her room, accused No.2-Sarabjeet Singh came to her room and forcibly tried to molest her and also kissed her on her cheek. He has also threatened her to dance upon his tune, in case she wants to live in the matrimonial home, otherwise, she would have to face the consequences. When, the complainant disclosed this fact to accused No.1-Akhil Rana, he had not paid any heed to it and rather scolded her.

31. Thereafter, accused No.1 got angry and beaten the complainant mercilessly and said that she has not brought adequate dowry, as, he was getting the proposal for marriage from rich families. He has also threatened her to part their ways. Thereafter, accused No.2 became more furious and under the influence of liquor, he made efforts to molest her. When the complainant screamed, and called her mother-in-law, accused No.3, then, she had closed the door of her room.



32. According to the complainant, accused No.2 and 3 threatened the complainant to give divorce to their son, so that, they may re-marry him in a rich family. In the month of April, 2021, accused No.1, at the instance of accused No.2 and 3, had beaten the complainant mercilessly and thrown hot water upon her, due to which, she had suffered injuries on her foot.

33. Due to the above incident, the complainant remained mentally tensed and she was forced to resign from her job. Thereafter, accused persons, on the pretext of examination of accused No.1, left her in her parents house. When, neither they came to take her back, nor, contacted her on phone, she contacted accused No.1, on phone, who has stated that they had left her at her parents house, under conspiracy, and asked her to give divorce to him, as, he wanted to solemnize second marriage.

34. Thereafter, complainant served a notice, but, no response was given and when she had gone to her matrimonial home, accused persons did not permit her to enter and threatened her to leave that place. They again uttered their demand to give divorce to accused No.1.



Thereafter, complainant had called Deputy Mayor and Counsellor. Subsequently, accused persons had permitted her to reside in one room. However, they failed to provide basic amenities of life to her. Thereafter, accused No.1, filed the petition for divorce.

35. On the basis of the above facts, she has prayed that accused persons (petitioners) be arrested and her '*stridhan*' be returned to her.

36. In view of the above facts, the police registered the FIR, in question and the criminal machinery swung into motion.

37. After investigation, the police has not found the case under Section 323, 504, 506 IPC, as such, Sections 323, 504 and 506 IPC have been deleted, in this case and charge sheet has been prepared, which, according to the status report, has been submitted on 20.06.2025, to the Prosecution Department for scrutiny. The police has filed the charge-sheet, under Sections 498-A, 354 and 34 IPC.

38. Petitioners have placed on record the charge-sheet filed, in this case, under Section 193 of the BNSS,



along with statements of the witnesses, recorded under Sections 180 of BNSS.

39. The petitioners are before this Court, under Section 528 of the BNSS, for quashing the FIR, in question, as well as, the proceedings resultant thereto.

40. The Hon'ble Supreme Court in **Rajiv Thapar and others versus Madan Lal Kapoor**, reported in 2013(3) Supreme Court Cases 330, has issued certain directions for exercising the powers under Section 482 Cr. P.C. Relevant paragraphs 28 to 30 are reproduced as under:

"28. The High Court, in exercise of its jurisdiction under Section 482 of the Cr.P.C., must make a just and rightful choice. This is not a stage of evaluating the truthfulness or otherwise of allegations levelled by the prosecution/complainant against the accused. Likewise, it is not a stage for determining how weighty the defences raised on behalf of the accused is. Even if the accused is successful in showing some suspicion or doubt, in the allegations levelled by the prosecution/complainant, it would be impermissible to discharge the accused before trial. This is so, because it would result in giving finality to the accusations levelled by the prosecution/complainant, without allowing the prosecution or the complainant to adduce evidence to substantiate the same. The



converse is, however, not true, because even if trial is proceeded with, the accused is not subjected to any irreparable consequences. The accused would still be in a position to succeed, by establishing his defences by producing evidence in accordance with law. There is an endless list of judgments rendered by this Court declaring the legal position, that in a case where the prosecution/complainant has levelled allegations bringing out all ingredients of the charge(s) levelled, and have placed material before the Court, prima facie evidencing the truthfulness of the allegations levelled, trial must be held.

29. The issue being examined in the instant case is the jurisdiction of the High Court under [Section 482](#) of the Cr.P.C., if it chooses to quash the initiation of the prosecution against an accused, at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under [Section 482](#) of the Cr.P.C., at the stages referred to hereinabove, would have far reaching consequences, inasmuch as, it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under [Section 482](#) of the Cr.P.C. the High Court has to be fully satisfied, that the material produced by the accused is such, that would lead to the conclusion, that his/their defence



is based on sound, reasonable, and indubitable facts; the material produced is such, as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such, as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such, as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 of the Cr.P.C. to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

30.1 Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable,



i.e., the material is of sterling and impeccable quality?

30.2 Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

30.3 Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

30.4 Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under [Section 482](#) of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.”



41. The Hon'ble Supreme Court in **Shafiya Khan @ Shakuntala Prajapati versus State of Uttar Pradesh & anr.**, reported as (2022) 4 Supreme Court Cases 549 has held that if there are bald allegations, but nothing to justify the same, the powers under Section 482 Cr. P.C. should be exercised to quash the proceedings. Relevant paragraphs 14 and 15 are reproduced, as under:

“14. The exposition of law on the subject relating to the exercise of the extra-ordinary power under Article 226 of the Constitution or the inherent power under Section 482 Cr.PC are well settled and to the possible extent, this Court has defined sufficiently channelized guidelines, to give an exhaustive list of myriad kinds of cases wherein such power should be exercised. This Court has held in para 102 in State of Haryana and Others v. Bhajan Lal and Others (supra) 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.”

15. The principles laid down by this Court have consistently been followed, as well as in the recent judgment of three Judge judgment of this Court in Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others.”

42. The petitioners are before this Court for quashing of FIR, as well as, the proceedings resultant thereto, on the ground that from the bare reading of the allegations levelled in the FIR, no case is made out against the petitioners, which, according to the petitioners are



vague and no specific allegations have been levelled against the petitioners.

43. The Hon'ble Supreme Court in a recent decision in **Payal Sharma versus State of Punjab & Anr.**, Citation No. 2024 INSC 896, has held that there is tendency to rope in the entire family in the matrimonial dispute. It has also been held that in case of lack of specific allegations, it is the duty of the Court to consider the contentions, under Section 482 Cr. P.C., whether the allegations, so levelled, against the relatives, make out a prima-facie case, against them, or not. Relevant paragraphs 9 to 12 of the judgment are reproduced, as under:

“9. In the decision in Preeti Gupta & Anr. v. State of Jharkhand & Anr.1, this Court observed that it is a matter of common knowledge that in matrimonial disputes exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of sufferings of ignominy, it was further held therein. We have no hesitation to hold that the said observation of this Court is in fact, sounding of a caution, against non-discharge of the



duty to see whether implication of a person who is not a close relative of the family of the husband is over implication or whether allegation against any such person is an exaggerated version, in matrimonial disputes of this nature. In this context, it is to be noted that the term 'relative' has not been defined in the statute and, therefore, it must be assigned a meaning as is commonly understood. Hence, normally, it can be taken to include, father, mother, husband or wife, son, daughter, brother, sister, nephew, niece, grandson or granddaughter of any individual or the spouse of any person. To put it shortly, it includes a person related by blood, marriage or adoption. In paragraph 35 of Preeti Gupta's case (supra) it was furthermore held thus:-

"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 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."

10. In such circumstances, normally against a person who is not falling under any of the aforesaid categories when allegations are raised, in the light of the observations made in Preeti Gupta's case (supra), the Court concerned owes an irrecusable duty to see



whether such implication is over implication and/or whether the allegations against such a person is an exaggerated version. We have already taken note of the fact that except the observation made in paragraph 7 there is no consideration at all of the contentions of accused No.5 in the impugned order.

11. *In the decision in Geeta Mehrotra and Anr. v. State of U.P. and Anr. , this Court held that mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the tendency of over implication viz., to draw the entire members of the household in the domestic quarrel resulting in matrimonial dispute, especially when it happens soon after the wedding. In the decision in Kahkashan Kausar @ Sonam and Others v. State of Bihar & Ors., this Court quashed proceedings in so far as family members of the husband on the ground that the allegations against them are general and ominous in nature. In matters like the one at hand when relatives not residing in the same house where the alleged victim resides, the courts shall not stop consideration by merely looking into the question where the accused is a person falling within the ambit of the expression 'relative' for the purpose of Section 498-A, IPC, but should also consider whether it is a case of over implication or exaggerated version solely to implicate such person(s) to pressurise the main accused. It is also relevant to refer to the decision of this Court in State of Haryana v. Bhajan Lal, wherein after considering the statutory*



provisions and the earlier decisions, this Court referred to various categories of cases where the inherent powers under Section 482, Cr. P.C. could be exercised by High Court to prevent abuse of process of Court or otherwise to secure ends of justice. One among such categories is where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent man could ever reach a just conclusion that there is sufficient ground for proceeding against an accused.

12. *We will proceed to consider the case in respect of accused No.5 a little later and now, will consider the challenge of complainant against quashment of the subject FIR and all consequential proceedings based thereon, qua accused No.6 bearing in mind the above conclusions and decisions. It is to be noted that the impugned order itself would reveal that the learned counsel who appeared for the complainant admitted before the High Court regarding the absence of allegations against accused No.6 as relates offences under Sections 406 and 498-A, IPC. This is discernible from paragraph 6 of the impugned order and it reads thus:-*

"6. Qua Petitioner No.1, Ld. Counsel admits that so far as Sections 406 and 498-A are concerned, there are no specific allegations. He asserts that offences punishable under Sections 420 and 120- B of the IPC have been added later on and the allegations levelled against petitioner No.1 shall well fall within



the ambit of Sections 420 IPC and 417 of the IPC."

(self-emphasis supplied)

44. In this case, learned counsel for respondent No. 2 has raised objections that arguments of learned counsel appearing for petitioners, qua the fact that entire family members have been roped-in, in the case, on the general allegations, is not liable to be accepted, as powers under Section 482 Cr. P.C. are confined only to see whether a prima-facie case is made out against the petitioners or not.

45. The arguments of the learned Senior counsel for respondent No. 2 are not liable to be accepted, in view of the decision of Hon'ble Supreme Court in Mahmood Ali & others versus State of H.P. & others, Citation No. 2023 INSC 684, wherein, it has been held that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case. Relevant paragraphs 12 and 13 of the judgment are reproduced as under:

"12. At this stage, we would like to observe something important. Whenever an accused comes



before the Court invoking either the inherent powers under [Section 482](#) of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under [Article 226](#) of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under [Section 482](#) of the CrPC or [Article 226](#) of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/



registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In *State of Andhra Pradesh v. Golconda Linga Swamy*, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

“5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the



question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In *R.P. Kapur v. State of Punjab*, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under [Section 482](#) of the Code, the High Court would not ordinarily embark upon an enquiry whether the



evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death.....”

(self emphasis supplied)

46. Hon'ble Supreme Court in **Achin Gupta vs. State of Haryana & anr.**, reported in 2024 Live Law (SC) 343, has elaborately discussed the powers of this Court under Section 482 Cr. P.C. to quash the FIR, in such type of cases. Relevant paragraphs 18 and 31 to 34 are reproduced as under:

“18. The plain reading of the FIR and the chargesheet papers indicate that the allegations levelled by the First Informant are quite vague, general and sweeping, specifying no instances of criminal conduct. It is also pertinent to note that in the FIR no specific date or time of the alleged offence/offences



has been disclosed. Even the police thought fit to drop the proceedings against the other members of the Appellant's family. Thus, we are of the view that the FIR lodged by the Respondent No. 2 was nothing but a counterblast to the divorce petition & also the domestic violence case.

xxx

xxx

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31. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

32. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.



33. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. 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 of husband's close relations 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 complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints.



The tendency of over implication is also reflected in a very large number of cases.”

(self-emphasis supplied)

47. Similar view has also been taken by the Hon'ble Supreme Court in a recent decision in **Yashodeep Bisanrao Vadode versus the State of Maharashtra & anr.**, Citation No. 2024 INSC 798. Relevant paragraphs 11 and 12, of the judgment, are reproduced, as under:

“11. In the contextual situation, it is only appropriate to keep reminded of the observations of this Court in the decision in Preeti Gupta v. State of Jharkhand. This Court observed that it is a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints and the tendency of over implication is also reflected in a large number of cases.

12. We are of the view that in view of such circumstances, the courts have to be careful to identify instances of over implication and to avert the suffering of ignominy and inexpiable consequences, by such persons.”

48. It is a trite law that at the time of exercising powers under Section 482 Cr.PC./ (Sections 528 BNSS), correctness of the allegations should not be dwelled into by



this Court, as held by the Hon'ble Supreme Court in **Manik B. vs. Kadapala Sreyes Reddy & anr.**, reported in 2023 Live Law (SC) 642.

49. In view of above legal proposition, this Court would now proceed to determine whether the petitioners are able to make out a case for exercising the powers under Section 482 of Cr. P.C., in their favour, for granting the relief, as prayed for.

50. Petitioners have annexed, with the petition certain documents. Annexure A-2 is the notice, which was got issued by respondent No.2, way back on 27.08.2022. In the said notice, in paragraphs 4, 5 and 8, respondent No.2, has levelled the following allegations.

"4. That my client is surprised with the behaviour of your father who used to treat her normally when you are out of Palampur but the moment you come to Palampur he starts abusing and misbehaving on trivial matters and further your father never miss a single chance to humiliate her in your presence.

5. That my client does not understand the habit of your father's unnecessary involvement in the matrimonial affairs of you and my client.

xxx xxx xxx

8. That on 29/6/22 there was a mild exchange of words between you and my client however the



atmosphere became normal by the evening, but the habit of your father's of poking his nose unnecessarily in your as well as my client's matrimonial affairs made the things worst when your father started abusing the parents of my client for no fault of theirs, upon which, my client lost her control and started crying and then my client requested your mother i.e. mother-in-law of my client to leave her in her parental house and as such on 1/7/22 you along with your parents left my client in her parental house."

(Self emphasis supplied)

51. Admittedly, this notice was got issued by respondent No.2, when she was allegedly left by the petitioners at her parents house, as, in the FIR, she has got lodged the fact that in the month of April, 2021, the petitioners left her in the parents house on the pretext of examination of petitioner No.1 Akhil Rana. Meaning thereby, when the notice, Annexure A-2 was got issued, by respondent No.2, the incident had already taken place. In the FIR, she has levelled the allegations against her father-in-law, upon which, Section 354 of the IPC was added.

52. Interestingly, a qualified girl, who was allegedly maltreated, as alleged, in the FIR, in question, and she was left in her parents house, by the petitioners, in the month



of April, 2021, has not bothered to mention these material facts, in the legal notice, which was got issued after a gap of about 16 months.

53. Omission on the part of respondent No.2 to mention these material facts speaks voluminously, in favour of the petitioners, when they have alleged that respondent No.2, herself was interested to leave the matrimonial home, and is interested for hefty amount of alimony. Moreover, as per the averments in the notice, Annexure A-2, the intention of respondent No.2 to leave the matrimonial home is writ large.

54. Not only this, respondent No.2, had filed a petition under Section 9 of the Hindu Marriage Act, on 23.02.2024, that too, prior to registration of the FIR, in question, which was registered on 28.01.2025. In the said petition, filed under Section 9 of the Hindu Marriage Act, the material fact, with regard to the alleged attempt of petitioner No.2 to outrage her modesty has not been mentioned. In ordinary course, had such incident been taken place, respondent No.2, would have levelled those allegations in the petition, under Section 9 of the Hindu



Marriage Act. Failure of respondent No.2, to mention these material facts, in the petition, under Section 9 of the Hindu Marriage Act, also gives an occasion to this Court to draw an adverse inference against respondent No.2. She has levelled general allegations against all the petitioners (accused).

55. Petitioner No.1, in the present case, filed the petition for divorce, under Section 13 of the Hindu Marriage Act, in which, respondent No.2 has filed the reply, copy of which is annexed with the petition as Annexure A-12.

56. In the reply, she has not mentioned the above material facts. Rather, she has denied the allegations, which have been levelled by petitioner No.1 Akhil Rana, against her about the ill-treatment, which, she had given to his parents. In the reply, she has not even uttered the allegations, which have been levelled against the accused persons (petitioners), in the complaint, upon which, the FIR, in question has been registered.

57. In the admitted documents, i.e., legal notice, petition under Section 9 of the Hindu Marriage Act, reply to



the petition, under Section 13 of the Hindu Marriage Act, respondent No.2, has not levelled any allegation, what to talk about the allegation levelled in the complaint, upon which, the FIR, in question was registered.

58. Had there been any demand of dowry, in the ordinary course of events, respondent No.2, would have levelled these allegations in the above three documents, which are admitted documents and veracity of these documents even cannot be questioned by respondent No.2.

59. In the absence of any explanation, non-mentioning of material facts, in the above admitted documents, by respondent No.2, is fatal for her case, as, whatsoever alleged in the FIR, in question, cannot be taken as a gospel truth for compelling the petitioners to face the agony of the trial.

60. If the allegations, as levelled against the petitioners, in the admitted documents, annexed with the the charge-sheet, are considered in the light of decision of Hon'ble Supreme Court in **Rajesh Chaddha versus State of Uttar Pradesh**, 2025 INSC 671 this Court is of the view that vague allegations are too short to constitute the



alleged act of the petitioners within the definition of 'cruelty', as defined, under Section 498-A of IPC. Relevant paragraphs 8 to 14 of the judgment, are reproduced as under:

8. *At the outset, an act of 'cruelty' for the purpose of Section 498A, corresponds to a willful conduct of such nature, that may cause danger to the life, limb and health of the woman, which is inclusive of the mental and physical health and the harassment caused to her, by coercing her to meet unlawful demands or impossible standards. Further, the demand for dowry in terms of Section 3 and Section 4 of the D.P. Act, 1961 refers to both a direct or indirect manner of demand for dowry made by the husband or his family members. In order to meet the threshold of the offences under Section 498A IPC & Sections 3 & 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air.*

9. In the present case, the allegations made by the Complainant are vague, omnibus and bereft of any material particulars to substantiate this threshold. Apart from claiming that Appellant husband harassed her for want of dowry, the Complainant has not given any specific details or described any particular instance of harassment. The allegations in the FIR, and the depositions of the prosecution witnesses suggest that on multiple occasions, the Complainant wife was ousted from the matrimonial house, and kicked and punched in the presence of her father, PW-2 herein and she was repeatedly



tormented with dowry demands, and when she was unable to honor them, the Appellant and her family physically beat her up; whereas she has not mentioned the time, date, place, or manner in which the alleged harassment occurred. It is alleged that the Complainant suffered a miscarriage, as she fell down, when the Appellant and her family who pushed her out of the house; however, no medical document from any medical institution or hospital or nursery was produced to substantiate the allegations.

10. Upon carefully considering the record, we find that apart from the statements of PW-1 and PW-2, there is no evidence to substantiate the allegations of harassment and acts of cruelty within the scope of Section 498A of IPC, and Section 4 of the D.P. Act, 1961. For this reason, we find merit in the submission of the learned Counsel for the Appellant, and are of the considered view that there is no material on record to establish the allegations of hurt or miscarriage, and of hurt and criminal intimidation in terms of Section 323 r/w 34 and Section 506 IPC respectively. The Trial Court has rightly held that evidence of the Complainant is the only strong evidence that she sustained injuries on various parts of her body due to the physical assault by the accused persons, and that there was no medical examination conducted by the Complainant, so as to prove that the miscarriage was a consequence of the physical assault.



11. The Trial Court has indeed applied its judicial mind to the material on record whilst acquitting the Appellant and the co-accused parents-in-law for offences under Section 323 r/w 34 & Section 506 IPC. However, it appears that the Trial Court had passed the order of conviction of the Appellant under Section 498A IPC & Section 4 of the D.P. Act, 1961, merely on the possibility that the allegations and the depositions of the PW-1 corroborated by PW2, are true and correct. Although one cannot deny the emotional or mental torture that the Complainant may have undergone in the marriage, however a cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act, 1961, especially to obviate malicious criminal prosecution of family members in matrimonial disputes. In this respect, we also cannot ignore that the FIR dt. 20.12.1999 was registered after the Appellant had filed the Divorce Petition under Section 13 of Hindu Marriage Act, 1955 on 06.02.1999. In consideration thereof and that the Complainant had cohabited with the Appellant only for a period of about a year, it appears that the FIR registered by the Complainant was not genuine.

12. In respect thereof, the High Court while exercising its revisionary jurisdiction ought to have examined the correctness of decision of the Trial Court in light of the material on record, which reveals nothing incriminatory against the Appellant to sustain a conviction under Section 498A IPC or Section 4 of the D.P. Act, 1961. Although we do not



agree with the submission on behalf of the Appellant that the Impugned Order dt. 14.11.2018 was passed in absentia, however the High Court was well within its revisionary powers to discern whether an FIR and the proceedings emanating therefrom were sustainable. In all certainty, it could have saved 6 years' worth of time for the Appellant, who has endured litigation for over 20 years as of today.

13. Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr. appropriately encapsulates this essence 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 (2025) 3 SCC 735 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.”

14. The term “cruelty” is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any



further prosecution of the Appellant will only tantamount to an abuse of process of law.

(self emphasis supplied)

61. Copy of the charge-sheet has been placed on record by the petitioners. In the statement recorded, under Section 183 of the BNSS, respondent No.2, has reiterated the allegations, as levelled in the FIR, in question. She has not mentioned the date, month and the year, when the alleged demand for dowry was made or petitioner No.2, had allegedly crossed the sacred line, as alleged by her.

62. The statement of the mother of respondent No.2, has also been recorded, under Section 180 of the BNSS, which is contradictory to the stand, as taken by respondent No.2, in her complaint, made to the police, as well as, in her statement, recorded, under Section 183 of the BNSS. She has levelled the allegations that in the year, 2021, her father-in-law, entered in her room and allegedly kissed her on her cheek, whereas, her mother got recorded in her statement that the incident was of October 2020. How, this date has been got mentioned, by the mother of



respondent No.2, has not been explained by learned Senior Counsel appearing for respondent No.2.

63. Father of respondent No.2, although, mentioned that his daughter was allegedly beaten by petitioner No.1, for the first time, in the year 2019 and thereafter, in the month of July, 2022, but, he has shifted the alleged incident, according to which, petitioner No.2, had allegedly entered in the room of respondent No.2, in the month of October, 2020, which is also contrary to the stand, as taken by respondent No.2.

64. Respondent No.2, had not mentioned any allegations that petitioner No.3 had given an offer to respondent No.2 to get divorce, on receiving Rs.15,00,000/- and non-mentioning of this material fact, by respondent No.2, in the FIR, in question, is fatal to the case of the prosecution.

65. Interestingly, the parents of respondent No.2, have alleged only against petitioners No.2 and 3 and general allegations of beatings have been levelled, against petitioner No.1. When those material facts, with regard to the offer of petitioner No.3 to give Rs.15,00,000/- alimony,



have not been levelled, by respondent No.2, then, presence of the allegations, in the statement of the parents, is a fact, which goes, in favour of the petitioners, who are before this Court, seeking quashing of FIR, in question, as well as, the proceedings resultant thereto.

66. If the facts and circumstances, as narrated above, qua vague allegations, are seen in the light of the decision of the Hon'ble Supreme Court, in ***Dara Lakshmi Narayana & Others versus State of Telangana & Another, (2025) 3 Supreme Court Cases 735***, then, petitioners are entitled to the relief, as claimed, in the petition. Relevant paragraph 20 of the judgment, is reproduced, as under:-

“20. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.”

67. At the cost of repetition, the omission of respondent No.2 to narrate/mention the material facts,



which have been levelled against the petitioners, especially, against petitioner No.2, in the legal notice, petition under Section 9 of the Hindu Marriage Act and reply to the petition, filed under Section 13 of the Hindu Marriage Act, as well as, general allegations, which have been levelled in the FIR, in question, without any date or specifying the allegations, are sufficient to hold that the present petition is nothing, but, counter blast to the petition for divorce, filed by petitioner No.1 against respondent No.2.

68. In ordinary course of events, had such incident been taken place, respondent No.2, would have levelled those allegations, in the material documents or she would have promptly lodged the FIR, against the petitioners, had she, in fact, been treated with cruelty by the petitioners, as alleged.

69. In this view of the matter, this Court is of the view that it is a fit case where the powers under Section 528 of the BNSS are required to be exercised, in favour of the petitioners.

70. Considering all these facts, the present petition is allowed and FIR No.21 of 2025, dated 28.01.2025,



registered under Sections 498-A, 354, read with Section 34 IPC, and the proceedings resultant thereto, if any, are quashed.

71. The pending application(s), if any, are also disposed of.

November 04, 2025 (*ps*)

(Virender Singh)
Judge