

Latest HLJ 2025 (HP)(1) 66 In the High Court of Himachal Pradesh, Shimla.

Cr.MMO No. 501 of 2021

(A) Criminal Procedure Code, 1973 Section–482 read with Sections– 498A,323,355,504,506 & 34 of Indian Penal Code, 1860–Quashing of FIR–Specific allegations–In FIR, complainant has levelled general allegations, without specifying any date, time or year, when the allegations of threatening to get marriage with her husband dissolved–Held–That, the allegations against the petitioners is totally vague and same does not fall within in the definition of ‘specific allegation’. (Para 21)

(B) Criminal Procedure Code, 1973 Section–482 read with Sections– 498A,323,355,504,506 & 34 of Indian Penal Code, 1860–Quashing of FIR against the family and close relatives– Prima facie case is made or not–As per complainant, she has been tortured and being abused for bringing less dowry–Whether allegations against the petitioners are prima facie sufficient to sustain the prosecution–General and vague allegations without specific instances of criminal conduct do not justify prosecution of family members–Courts must be cautious and pragmatic in assessing allegations, particularly when family members reside separately or have rare contact with the complainant.

(C) Criminal Procedure Code, 1973 Section–482 read with Sections– 498A,323,355,504,506 & 34 of Indian Penal Code, 1860–Inherent Powers–Consideration–Frivolous or Vexatious proceedings–Whether

facts to be considered when entire family members have been roped- in case on the general allegations–Held–That, 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– Petition allowed. (Paras 16 and 17)

Cases referred:

- (1) Rajiv Thapar and others vs. Madan Lal Kapoor, 2013(3) SCC 330.
- (2) Shafiya Khan @ Shakuntala Prajapati vs. State of Uttar Pradesh & anr., (2022) 4 SCC 549.
- (3) Payal Sharma vs. State of Punjab & Anr., Citation No. 2024 INSC 896.
- (4) Mahmood Ali & others vs. State of H.P. & others, Citation No. 2023 INSC 684.
- (5) Achin Gupta vs. State of Haryana & anr., 2024 Live Law (SC) 343.
- (6) Yashodeep Bisanrao Vadode vs. the State of Maharashtra & anr., Citation No. 2024 INSC 798.
- (7) Manik B. vs. Kadapala Sreyes Reddy & anr., 2023 Live Law (SC) 642.

Parties represented by:

For the Petitioners: Mr. Ankush Dass Sood, Senior Advocate with Mr. Prashant Sharma, Mr. Ajay Sipahiya and Mr. Tarun Mehta, Advocates. For the Respondents: Mr. Lokender Kutlehria, Additional Advocate

General, for R-No. 1/State. Mr. Ravi Kant Kaushal, Advocate, for R- No. 2.

Virender Singh, Judge (oral):- The petitioners have filed the present petition, under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'the Cr. P.C.') for quashing of FIR No. 298/2020, dated 8.8.2020, (hereinafter referred to as 'the FIR in question'), registered under Sections 498A, 323, 355, 504, 506 read with Section 34 of the Indian Penal Code (hereinafter referred to as 'the IPC'), with Police Station, Sunder Nagar, District Mandi, H.P., as well as, the proceedings resultant thereto, stated to be pending before the Court of learned Additional Chief Judicial Magistrate, Sundernagar, District Mandi, H.P. (hereinafter referred to as 'the trial Court').

2. The present petition has been filed on the ground that at the instance of respondent No. 2, Shalini Chauhan, the FIR in question has been registered, in which, the Police has conducted investigation and filed the charge-sheet.

3. After investigation, Police has registered a case under Section 498-A, 323, 355, 504, 506 and 34 IPC and Section of the Dowry Prohibition Act, with Police Station Sunder Nagar, District Mandi, H.P. against Labh Singh, Meera Devi, Randeep Singh, Deepali, Gaurav Bhardwaj and Joginder Singh, whereas, case under Sections 323, 504 and 506 IPC was registered against one Joginder Singh.

4. The FIR in question was registered at the instance of respondent No. 2, Shalini Chauhan, who has alleged that she was married to accused Randeep Singh, S/o Labh Singh, on 19.4.2019. She has alleged that after sometime of marriage, she has allegedly been tortured for bringing less dowry in the hands of the accused persons. She has further alleged that accused persons had allegedly told her that they had borrowed a sum of Rs. 65,00,000/- and pressurized her to bring that amount from her parents. As per respondent No. 2, accused persons used to abuse her, as well as, her parents. They also used to force her to go to some Baba. They used to ask her to wake up at 5:00 a.m. to perform the puja of said Baba.

5. She has further alleged that her sister-in-law, Deepali and her husband Gaurav (petitioners) used to threaten her. Deepali is alleged to be living in her parents' house and used to quarrel with her. It is further alleged that in-laws of respondent No. 2 used to threaten her that her brother-in-law is a lawyer and he will, within no time, manage to get divorce and no one can raise finger upon them, as they are having links with the Judges. She has further alleged that on the eve of Diwali, she was at home and nobody talked to her. On the occasion of Bhaiya Dooj, when, she tried to go to her parents, her father-in-law directed her to bring a

sum of Rs. 65,00,000/-, otherwise, there is no need to come back. When, she returned back, they asked her to get out of the house. When, she refused to go from matrimonial home, then, they tried to throw her out of the house. She was allegedly beaten by her husband, Randeep

Singh. Her father-in-law abused her and started humiliating her.

5.1 Next day, when, parents of the complainant visited the matrimonial home of the complainant to talk to her in-laws, her in-laws started quarreling with them and also beaten them. However, parents of the complainant insisted the complainant to be in her matrimonial home. She has further alleged that when she had joined her duties in the Bank, then, she realized that she is not in a position to hear. On visiting the Doctor, she came to know that there is clotting in her ear.

5.2 When, on 13.6.2020, she returned to her matrimonial home, she had not been permitted to enter the house and her husband directed her to live in the ground floor. She was directed to complete domestic chores before 7 a.m. and thereafter, not to show her face to them. She was directed to prepare dinner after 8 p.m. According to the complainant, they also used to switch off the gas. She has further alleged that on 22.7.2020, her in-laws called her characterless and also abused her parents. They had allegedly demanded a sum of Rs. 65,00,000/- from her parents. She has further alleged that she was not permitted to watch TV after 11:00 p.m. She has further alleged that the accused persons used to knock at her door at 3:00 a.m. and 4:00 am and used to raise the volume of TV, just to harass and mentally torture her.

5.3 It has further been alleged by the complainant that the petitioners used to threaten her to get divorce. They also used to pass bad comments against her. According to the complainant, petitioner Deepali also tried to throw her out of her matrimonial home, by saying that the house belongs to her. On 8.8.2020, father of the complainant alongwith her uncle, allegedly visited her matrimonial home to talk to her in-laws. However, when the discussion was going on, after sometime, her husband allegedly got furious. When, father of the complainant asked the accused persons about her fault, they directed him to take her from the matrimonial home and started abusing her. She has further alleged that her father-in-law had injured her father by hitting him with a brick. Her husband also allegedly beaten her father.

5.4 On the basis of above facts, she has prayed that action be taken against the accused persons.

6. On the basis of aforesaid complaint, the FIR has been registered against the accused persons and criminal machinery swung into motion. After completion of investigation, the Police filed the chargesheet, as referred to above.

7. Indulgence of this Court has been sought to quash the FIR against the petitioners, on the ground that they have nothing to do with the alleged crime, in which, they have been named, as accused. According to the petitioners, bare perusal of the Challan does not make out a case, against the petitioners and they

have simply been involved in the present case, being her sister-in-law and brother- in-law.

8. According to the petitioners, there is no iota of evidence, as to how and to what extent, any torture or harassment was caused by the petitioners to the complainant. Highlighting the fact

that even in the MLC of the victim, no injury whatsoever was attributed to the present petitioners, as they were not present on the spot, the allegations are stated to be bald.

9. It is the case of the petitioner that in case, the allegations of the complainant are taken as it is, then also, no offence is made out against the petitioners. The FIR is also stated to be abuse of process of law. 10. According to the petitioners, if the proceedings are permitted to continue, then, it would be nothing, but abuse of process of law.

9. On the basis of above facts, a prayer has been made to allow the present petition by quashing the FIR in question, as well as, proceedings resultant thereto, which are stated to be pending, before the learned trial Court.

10. When, put to notice, the petition has been contested by the respondent-State by filing reply, in which, they have asserted the manner, in which, the FIR in question was registered and the investigation was conducted. Controverting the stand of the petitioners, it has been submitted by the respondent-State that during investigation, the Police found the involvement of the petitioners, as such, they have rightly been charge-sheeted, in this case.

11. Respondent No. 2 has filed separate reply by taking preliminary objections that even if the allegations, as levelled against the complainant, are taken as it is, then also, no case is made for quashing the FIR in question. She has also reiterated the fact as to how the petitioners had treated her with cruelty, by highlighting the 'specific allegations', against both the petitioners.

12. By moving Cr.M.P.(M) No. 4129 of 2024, the petitioners have placed on record certain documents, i.e. FIR No. 297 of 2020, statement of the complainant, recorded in Domestic Violence Act, titled as, 'Shalini Chauhan versus Randeep Kumar & others', pending in the Court of learned Additional Chief Judicial Magistrate, Court No. 1, Sundernagar, District Mandi, HP, pleadings of the parties, in Civil Suit No. 11- 1/2023, titled as, 'Puran Chand & others versus Labh Singh', pending adjudication before the learned Senior Civil Judge, Court No. 1, Sundernagar, District Mandi, H.P.

13. The petitioners have invoked the jurisdiction of this Court, by way of filing the present petition, under Section 482 of the Cr. P.C., seeking quashing of the FIR registered against them, and the proceedings resultant thereto. 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.”

14. 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 extraordinary 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, 2025 Gaurav Chaudhary & anr. V/s State of H.P. & anr. 71

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.”

15. 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 \_\_\_\_\_

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.<sup>1</sup>, 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, 2025 Gaurav Chaudhary & anr. V/s State of H.P. & anr. 73

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."

16. In this case, learned counsel for respondent No. 2 has raised objections that arguments of learned senior 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 considered, 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.

17. The arguments of the learned counsel for respondent No. 2 are not acceptable in view of a recent 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 2025 Gaurav Chaudhary & anr. V/s State of H.P. & anr. 75

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.....”

18. Hon’ble Supreme Court in Achin Gupta vs. State of Haryana & anr., reported in 2024 Live Law (SC) 343, have 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, 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.

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."

19. 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 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<sup>1</sup>. 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.”

20. It is a trite law that at the time of exercising powers under Section 482 Cr. P.C., 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.

21. In the FIR in question, respondent No. 2 has levelled general allegations, without specifying any date, time or year, when the allegations of threatening to get the marriage of respondent No. 2 with her husband dissolved were levelled and when petitioner No. 2 had levelled the allegations, which according to respondent No. 2, falls within the character assassination. Whatever has been alleged against the petitioners is totally vague and the same does not fall within the definition of 'specific allegation'.

22. Moreover, petitioners will not be compelled to face the trial, on the basis of alleged deposition of mother-in-law of respondent No. 2 that petitioner No. 1 is a lawyer and he will get the divorce, within no time and nobody can raise finger against him.

23. Alongwith the petition, in the statement of respondent No. 2, recorded under Section 161 Cr. P.C., general allegations have been levelled against the petitioners that all the accused persons used to taunt her for not bringing sufficient dowry and on petty matters, used to torture her mentally. Whatsoever allegations

have been levelled, those were against husband of respondent No. 2, her mother- in-law and father-in-law, and not against the petitioners, herein.

24. Similar is the statement made by Smt. Anu, w/o Sarwan Singh, who has also been examined by the Police to substantiate the allegations, levelled by respondent No. 2, against the accused persons, including the petitioners. She has also levelled general allegations, in her statement.

25. In the statements of Jyoti, Raj Kumari, Usha Devi, Mast Ram, Puran Chand, Shakuntla Devi, Sarvan Singh, Ram Singh, Sunku Ram and Rajeev Kumar, recorded under Section 161 Cr. P.C., only general allegations have been levelled against the petitioners.

26. Considering the stand of respondent No. 2, in her statement, made to the Police, according

to which, petitioners threatened her and most of the times,

they used to reside in matrimonial home of respondent No. 2 and provoke her in-laws to quarrel with her, this Court is of the view that these allegations do not fall

within the definition of 'specific allegations', as no date, time or year has been mentioned and these allegations fall within the definition of 'general allegations'.

27. From these allegations, an inference can be drawn that both the petitioners were not residing in the matrimonial home of respondent No. 2. Without specifying these allegations, the above deposition of respondent No. 2 falls within the definition of 'general and vague allegations'.

28. As state above, the petitioners have placed on record the attested copy of statement of respondent No. 2, made in the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, titled as, 'Shalini Chauhan and others vs. Randeep Kumar & others. In this case also, petitioners have been arrayed as respondents No. 4 and 5.

29. In the said proceedings, respondent No. 2 on oath, has not uttered a single sentence, against the petitioners. Main thrust of the case was against her father-in-law, mother-in-law and husband.

30. Interestingly, in the said proceedings, petitioners have also been arrayed as respondents No. 4 and 5. So far as the objections raised by learned counsel appearing for respondent No. 2 that the aforesaid documents cannot be taken into consideration, as defence is not to be considered at this stage, is concerned, the said argument is devoid of any merit, as the admitted documents can be taken into consideration, while deciding petition, under Section 482 Cr. P.C. The document, i.e. statement of respondent No. 2, is not in dispute, nor any question can be raised, against the said statement, as respondent No. 2 had made a statement on oath, before the competent Court of law, before which, the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, were pending.

31. Considering all these facts, the present petition is allowed and FIR No. 298 of 2020, dated 8.8.2020, registered under Sections 498-A, 323, 355, 504 and 506 read with Section 34 of the IPC, alongwith proceedings resultant thereto, in case No. 179 of 2020, titled as, 'State versus Labh Singh & others', pending before the learned trial Court, qua petitioners Gaurav Chaudhary and Deepali Chaudhary, is quashed.

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