

Govindram Sasur And 5 Others vs State Of U.P. And Another on 30 April, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68018

Court No. - 87

Case :- APPLICATION U/S 482 No. - 5152 of 2016

Applicant :- Govindram Sasur And 5 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- A.K. Mishra,Rahul Chaturvedi,Sati Shanker Tripathi,Surendra Kum

Counsel for Opposite Party :- G.A.,Garun Pal Singh

Hon'ble Prashant Kumar,J.

1. Heard Shri A.K. Mishra, learned counsel appearing for the applicants, Shri Shahsidhar Pandey, learned A.G.A. for the State and perused the records. None appears on behalf of the opposite party no.2.

2. The instant application under Section 482 of Cr.P.C. has been filed by the applicants praying for quashing of the charge-sheet dated 16-07-2014, summoning order dated 07-03-2015 as well as entire proceedings of Case No. 461/IX/2015 (State Vs. Govind Ram and others), arising out of case crime no. 666 of 2012, under Sections 498A, 323, 504, 506 IPC and under Section 3/4 D.P. Act, pending in the court of IIInd A.C.J.M, Mathura.

3. Learned counsel for the applicants submits that the applicants are residents of different districts in Punjab and have been falsely implicated in the present case. It is contended that the FIR lodged by opposite party no.2, Smt. Seema Sharma, is a result of matrimonial discord with her husband,

Ramesh Chandra, and the allegations against the applicants are general and omnibus in nature without specific roles attributed to each.

4. It is further submitted that the alleged incident dated 10.11.2012, wherein the applicants are accused of assaulting the complainant near Adeeg canal in Mathura and demanding additional dowry, is highly improbable given the geographical distances and lack of concrete evidence. To buttress his arguments, he has placed reliance upon a judgement passed by the Hon'ble Apex Court in the matter of Sushila Devi v. State of U.P. & Anr., 2025 INSC 505 and Geeta Mehrotra & Another v. State of Uttar Pradesh & Anr., 2012 (10) SCC 741.

5. Per contra, learned A.G.A. submit that the allegations made in the complaint against the applicants are correct and admittedly, there was dowry demand by the applicants. There is no illegality, infirmity or impropriety in the impugned order and the same does not warrant any interference by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. A bare perusal of the complaint and the evidence filed along with the application shows that O.P. no.2 had filed a complaint wherein she had implicated the entire family members of her husband. It is a clear case of putting undue pressure on the husband by implicating his entire family members. Further perusal of the complaint as well as statements under Sections 200 and 202 Cr.P.C. reveals that no prima facie case is made out against the applicants, who reside in different districts of Punjab, and there is no prima facie evidence to suggest their active participation in the alleged incident.

8. In the matter of Geeta Mehrotra (supra), the Hon'ble Supreme Court has held as follows:-

"25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of

over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding."

9. The Hon'ble Supreme Court has further held that if the contents of the FIR do not disclose specific allegation against the relatives of the husband except casual reference to their names, it would not be just to direct them to suffer the ordeal of facing criminal trial pending against them specially when the FIR does not disclose ingredients of offences under Sections 498A 323, 504 IPC read with Section 3/4 of Dowry Prohibition Act.

10. Furthermore, the Hon'ble Supreme Court in number of cases has reiterated the importance of preventing the abuse of the legal and judicial process in matrimonial disputes. The court emphasized that if the FIR fails to disclose specific allegations against the family members of husband, especially in matters of matrimonial bickering, it would be an abuse of the legal and judicial process to mechanically subject the named accused to trial. This principle is applicable to the present case, where the allegations against the applicant are vague and general in nature, lacking specific instances of wrongdoing. By quashing the criminal proceedings against the applicants, the court ensures that the legal process is not misused to harass individuals based on unsubstantiated accusations, thus upholding the principles of justice and fairness.

11. Since in the instant matter, there is no specific averments against the applicants, who are family members of husband of O.P. no.2, hence, following the ratio laid down by the Hon'ble Supreme Court and considering the facts and circumstances of the case, the present application stands allowed and the proceedings of entire proceedings of Case No. 461/IX/2015 (State Vs. Govind Ram and others), arising out of case crime no. 666 of 2012, under Sections 498A, 323, 504, 506 IPC and under Section 3/4 D.P. Act, pending in the court of IInd A.C.J.M, Mathura are hereby quashed.

Order Date :- 30.4.2025 pks