

# Gaurav Verma And 2 Others vs State Of U.P And Another on 27 March, 2025

**Author: Samit Gopal**

**Bench: Samit Gopal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

Neutral Citation No. 2025:AHC:43971

Reserved on: 04.02.2025

Delivered on: 27.03.2025

Court No. - 64

Case :- APPLICATION U/S 482 No. - 11379 of 2023

Applicant :- Gaurav Verma And 2 Others

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- M.N. Singh, Mahesh Narain Singh, Shreyas Srivastava

Counsel for Opposite Party :- G.A., Sarvesh

Hon'ble Samit Gopal, J.

1. The present application under Section 482 Cr.P.C. has been filed by the applicants Gaurav Verma, Smt. Abhilasha Singh, Om Prakash Singh with the following prayers:-

"It is, MOST RESPECTFULLY PRAYED that this Hon'ble Court may be pleased to allow the present application and to quash the entire proceedings of the Case No. 905/2023, (Gaurav Verma and others versus State of U.P.) arising out of Case Crime No. 433 of under Section 498A, 323, 504, 506 I.P.C., Police Station Kotwali, District Etawah and the impugned charge sheet dated 17.12.2022 (Annexure No. 34 to the accompanying affidavit) as well as the impugned order dated 20.2.2023 (Annexure No.34 to the accompanying affidavit) passed by the Court of the Chief Judicial Magistrate, Etawah (insofar as it pertains to taking cognizance of the charge sheet

dated 17.12.2022 and summoning of the applicants in Case No. 905/2023, under Sections 498A, 323, 504, 506 I.P.C., Police Station Kotwali Etawah, District Etawah) and/or pass such other orders which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case.

It is further prayed that this Hon'ble Court may be pleased to stay the effect and operation of the impugned order dated 20.2.2023 (Annexure No. 35 to the accompanying affidavit) passed by the Court of the Chief Judicial Magistrate, Etawah (insofar as it pertains to taking of cognizance of the charge sheet dated 17.12.2022 and summoning of the applicants in Case No. 905/2023 under Sections 498A, 323, 504, 506 I.P.C., Police Station Kotwali Etawah, District Etawah) during the pendency of the present application under Section 482 Cr.P.C. before this Hon'ble Court and/or pass such other orders which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case."

2. Initially the matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 04.04.2023 passed by another Bench of this Court. The order passed therein reads as under:-

"Heard counsel for the applicants and learned A.G.A. for the State.

The present application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of the Case No. 905 of 2023, (Gaurav Verma and others vs. State of U.P.) arising out of Case Crime No. 433 under Sections 498A, 323, 504 and 506 I.P.C., Police Station- Kotwali, District- Etawah and the impugned charge-sheet dated 17.12.2022 as well as impugned order dated 20.02.2023 passed by the Court of the Chief Judicial Magistrate, Etawah.

Counsel for the applicants submits that the applicant no. 1 is husband, the applicant no. 2 is mother-in-law and the applicant no. 3 is father-in-law of the opposite party no. 2. The present matter relates to matrimonial dispute, which may be amicably settled by way of mediation and conciliation, therefore, the matter may be referred to the Mediation and Conciliation Centre of this court.

In view of the above, it is directed that applicant no. 1 shall deposit a sum of Rs.50,000/- within two weeks from today with the Mediation Centre of this Court out of which Rs. 45,000/- shall be paid to the opposite party no.2 by way of expenses for her appearance before the Mediation Centre and Rs. 5,000/- shall be retained by the Mediation Centre as mediation fee.

The matter is remitted to the Mediation Centre with the direction that after deposit of such amount by the applicants, it shall issue notice to the parties fixing some date for mediation and shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously, preferably within a period of three months.

Thereafter the case shall be listed before the appropriate Bench along with the report of Mediation Centre on 24.07.2023.

Till the next date of listing, no coercive action shall be taken against the applicants in the above mentioned case.

It is made clear that in case there occurs default by the applicants either in depositing the amount or in appearing before the Mediation Centre on the date fixed, the interim protection granted by this Court shall automatically come to an end and it will be open for the concerned court below to proceed against the applicants in accordance with law. "

3. Thereafter a correction application for correction in the said order was filed on which necessary correction therein was done vide order dated 11.4.2023. The said order reads as under:-

"This is an application for correction of the order dated 4.4.2023 passed by this Court. The order dated 4.4.2023 stands corrected as follows:

In the 3rd and 4th line of paragraph nos.3 and 4 of the order dated 4.4.2023 respectively, before the word 'opposite' the words "Ashi Verma @ Hani Verma daughter of" shall also be read.

The correction application stands allowed.

This order shall be treated as part of order dated 4.4.2023."

4. The Mediation Centre of this Court gave its report dated 25.06.2023 which has been placed by the office on record through its report dated 26.2.2024. A perusal of it goes to show that although the process for Mediation was completed but no agreement was arrived between the parties. Thus it shows that mediation has failed. The matter thus was to be heard and decided on its merits.

5. Counter affidavit on behalf of the opposite party no. 2 dated 04.10.2024 and rejoinder affidavit dated 17.1.2025 on behalf of the applicants to the same have been exchanged between the parties which are also on record.

6. Sri Anoop Trivedi, learned Senior Advocate, assisted by Sri Shreyas Srivastava, learned counsel for the applicants, Sri V.P. Srivastava, learned Senior Advocate assisted by Sri Sarvesh, learned counsel for the opposite party no. 2, Sri Ajay Singh, learned A.G.A.-I for the State are present and have been heard. Perused the records.

7. The facts of the case are that a First Information Report was lodged on 05.10.2021, under Sections 307, 498A, 323, 504, 120B I.P.C. by Kamalapati Verma, against Gaurav Verma, Abhilasha Singh and Om Prakash Singh, with the allegations that marriage of his daughter Ashi was solemnized with Gaurav Verma in the year 2010. After marriage the accused persons used to beat his daughter for

gifts and dowry. He had only one child. Gaurav Verma (husband), mother-in-law (Abhilasha Singh), father-in-law (Om Prakash Singh) used to tell to his daughter that they may get all his property transferred in the name of Gaurav but he used to tell them that after him the entire property will come to him, but the accused persons did not stop ill-treatment to his daughter. Last month they assaulted his daughter and threw her out of the house, after which he got a panchayat done and then the accused persons after taking Rs.20 lakh took her back after vedai. His daughter even thereafter used to tell him that the accused persons continuously troubled her and beat her. On 25.09.2021 his daughter told him that her husband Gaurav, mother-in-law Abhilasha Singh are taking her for darshan of Ujjain Mahakaleshwar on which he showed his surprise but she did not consider it. On 26.09.2021 the said three persons reached Ujjain wherein at about 06:48 PM he received a phone from Ashi who told that mother and son used to talk slowly something and whenever she used to go there they used to stop talking. On 27.09.2021 at about 12:57 PM he again talked to his daughter who told him that all things are ok but two persons had come there and Gaurav was standing on one side and they had talked for long to the said persons. The said persons were totally unknown. After it his daughter talked to Gaurav about them who did not give satisfactory reply. The informant did not pay any heed to it. On 28.09.2021 in the morning at about 04:54 AM Abhilasha Singh the mother-in-law called the informant and told him that his daughter Honey (Ashi) is not traceable on which he became quite disturbed and started calling Gaurav and mother-in-law many times but they did not give satisfactory reply. He asked them as to why they did not de-board from train at Gwalior, Muraina, Dhaulpur but they did not give any reply. His daughter then called him on the next day morning from a different phone number which was of the staff of Gwalior Station but since his phone was in the house and he was not there, the same was not attended. Later on the mother of Gaurav called him and told him that Honey is at Gwalior Station. He then along with family members went to Gwalior Station where his known persons of Gwalior also reached and then found his daughter to be present who was very disturbed and not in her senses. Gaurav with his mother and children also reached there and he misbehaved with them. GRP Gwalior asked his daughter as to with whom she wants to go and then they handed her over with children to him through a memo. He then took his daughter to a doctor in Gwalior and got her medically treated and brought her back to Etawah, after which his daughter told him that in the train at about 04:00 AM she after telling Gaurav went to toilet and when she was returning back unknown persons who met Gaurav in Gwalior had kept the door open and threw her from train on which she had shouted. She had even told him that she became unconscious after she fell down and in the morning when girls of the village saw her and sprinkled water on her then she regained her consciousness. Amongst the said girls one of them took her from a bus and brought her to Gwalior Station. It is further alleged that as such Gaurav, Om Prakash and Smt. Abhilasha Singh conspired to murder his daughter and in conspiracy had taken her to Mahakaleshwar Ujjain. It is further alleged that Gaurav used to say that since she has become the mother of two children she has become useless and used to tell her to commit suicide after which he would remarry. On 28.09.2021 looking to the health of his daughter and the treatment going on he got her CT Scan done due to which he could not come to lodge a report. Report be lodged and action be taken.

Supurdginama prepared by Inspector Incharge, R.P.F. Post, Gwalior (N.C.R.) dated 28.09.2021 has been placed before the Court which is at page no. 64 of the paper book a perusal of which would go to show that it is stated therein on a query put to the victim by the police she states that she does not

know as to from where on a moving train she got down or fell down. Further a memo dated 28.09.2021 of Incharge Inspector R.P.F. Post, Gwalior (N.C.R.) addressed to Divisional Railway Commissioner, R.P.F. Jhansi which is at page no. 66 of the paper book is placed which also states that husband, mother-in-law and two children along with girl had started their journey from Ujjain and in the night at about 04:00 AM the lady had gone to wash-room after which she does not know from where she got down from the train or fell down.

8. The matter was investigated and a charge sheet dated 17.12.2022 was filed against Gaurav Verma, Abhilasha Singh and Om Prakash Singh under Sections 498A, 323, 504, 506 I.P.C. In so far investigation in the matter is concerned, initially on the basis of settlement between the parties it was closed and a Final Report No. 106 of 2021 dated 10.12.2021 was filed but the informant filed a protest petition on which the final report was rejected and the matter was ordered to be investigated further. Subsequent to it further investigation was taken up, the same culminated in which the police exonerated the accused persons for the offences under Sections 307, 120B, 325 I.P.C. and added Section 506 I.P.C. and thus submitted charge sheet as aforesaid under the aforesaid sections.

9. The Chief Judicial Magistrate, Etawah vide order dated 20.2.2023 took cognizance upon the said charge sheet and summoned the accused persons for the offence under Sections 498A, 323, 504, 506 I.P.C. The present application under Section 482 Cr.P.C. has thus been filed before this Court with the prayers as aforesaid.

10. Learned counsel for the applicants submitted that the applicant no. 1/Gaurav Verma is the husband of Smt. Ashi Verna who is the daughter of the opposite party no. 2/informant, the applicant no. 2/Smt. Abhilasha Singh is mother-in-law of Smt. Ashi Verma and the applicant no. 3/Om Prakash Singh is the father-in-law of Smt. Ashi Verma. It is submitted that marriage of the applicant no. 1 was solemnized with Ashi the daughter of the opposite party no. 2 in the year 2010 which is around 11 years prior to lodging of the F.I.R. It is submitted that the matter after investigation was closed by submission of Final Report on the basis of settlement between the parties, but the opposite party no. 2 filed a protest petition against the same and then the matter was ordered to be investigated further and the said final report was rejected, after which on further investigation offence under Sections 307, 120B I.P.C. was found to be false and the accused persons were exonerated but Section 506 I.P.C. was added and then a charge sheet in the matter was submitted under Sections 498A, 323, 504, 506 I.P.C. It is submitted that the present case is a case of accident and the victim somehow fell from the running train and received injuries. Learned counsel has placed "supurdaginama" dated 28.09.2021 and the report of Inspector Incharge, R.P.F. Post, Gwalior (N.C.R.) addressed to Divisional Railway Commissioner, R.P.F. Jhansi dated 28.09.2021 for the same. It is submitted that on 28.09.2021 the victim was produced before the doctor wherein she was having complaint of pain, swelling and headache, after which her further investigation was done on 07.10.2021 and she was found to have received 06 injuries which were opined to be one week old, after which X-ray of shoulder was conducted on 09.10.2021 wherein a crack fracture of left scapula was found. It is submitted that initially the parties had entered into a settlement, copy of which is annexure no. 10 to the affidavit, but later on the victim resiled from the same. It is submitted that even on the basis of said settlement, case under Section 125 Cr.P.C. before the concerned Family Court, Etawah being Suit No.450 of 2021 (Ashi Verma @ Honey vs. Gaurav

Verma) was decided vide judgement and order dated 22.12.2021 and the same was disposed of/closed by the said order, copy of the said order is annexure no. 11 to the affidavit. It is submitted that the victim was leading a happy married life with Gaurav as would be apparent from the fact that two children were born from the wedlock. It is submitted that there is no demand of dowry and torture by the applicants. It is submitted that in so far as the applicant no. 2/mother-in-law and the applicant no. 3/father-in-law are concerned, they have been falsely implicated in the present case and the allegations against them are general and omnibus without any specific allegations. It is submitted that in so far as the case under Sections 307, 120B I.P.C. is concerned, the same was found to be false and charge sheet under the said sections was not submitted. It is submitted that as such the present petition be allowed and the proceedings, charge sheet, cognizance, summoning order be quashed as prayed for by the applicants.

11. Per contra, learned counsel for the State and learned counsel for the first informant/opposite party no. 2 opposed the petition and the prayers made therein and submitted that the applicants are named in the F.I.R. and there are allegations against them. It is submitted that the victim has received injuries as would appear from her medical examination report. It is submitted that the husband was actively involved in the present matter and there was demand of dowry and torture of the victim by him. It is prayed that the present petition be dismissed.

12. After having heard learned counsels for the parties and perusing the records, it is evident that the applicants are the husband, mother-in-law and father-in-law of the victim-girl. The prosecution story in so far as it relates to the allegations under Sections 307, 120B I.P.C. against all the said three accused persons are concerned, have been found to be false and thus they were exonerated by the police. In so far as the applicant no. 2 and 3 are concerned, they are mother-in-law and father-in-law of the victim/girl and general and omnibus allegations are there against them.

13. Time and again, the Apex Court has considered and held that there is exaggeration of versions in matrimonial disputes and family members of the husband are involved and made accused in matters and are assigned general and omnibus allegations. For reference, the view as taken in different cases by the Apex Court are as under:-

A. - Kahkashan Kausar v. State of Bihar : (2022) 6 SCC 599 "Issue involved

10. Having perused the relevant facts and contentions made by the appellants and respondents, in our considered opinion, the foremost issue which requires determination in the instant case is whether allegations made against the appellant in-laws are in the nature of general omnibus allegations and therefore liable to be quashed?

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-AIPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a

greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-AIPC as instruments to settle personal scores against the husband and his relatives.

12. This Court in its judgment in *Rajesh Sharma v. State of U.P.* [*Rajesh Sharma v. State of U.P.*, (2018) 10 SCC 472 : (2019) 1 SCC (Cri) 301], has observed : (SCC pp. 478-79, para 14)

"14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression "cruelty" in Section 498-A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. [Explanation to Section 498-A.] It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement."

13. Previously, in the landmark judgment of this Court in *Arnesh Kumar v. State of Bihar* [*Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449], it was also observed : (SCC p. 276, para 4) "4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in *Preeti Gupta v. State of Jharkhand* [*Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473], it has also been observed : (SCC pp. 676-77, paras 32-36) "32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre 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 fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

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

35. 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 the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the 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 scrutinised with great care and circumspection.

36. 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 an amicable settlement altogether. The process of suffering is extremely long and painful."

15. In *Geeta Mehrotra v. State of U.P.* [*Geeta Mehrotra v. State of U.P.*, (2012) 10 SCC 741 : (2013) 1 SCC (Civ) 212 : (2013) 1 SCC (Cri) 120] it was observed : (SCC p. 749, para 21) "21. It would be relevant at this stage to take note of an apt observation of this Court recorded in *G.V. Rao v. L.H.V. Prasad* [*G.V. Rao v. L.H.V. Prasad*, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12) '12. ... There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their



disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their cases in different courts.' The view taken by the Judges in this matter was that the courts would not encourage such disputes."

16. Recently, in K. Subba Rao v. State of Telangana [K. Subba Rao v. State of Telangana, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605], it was also observed that : (SCC p. 454, para 6) "6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

B. - Payal Sharma v. State of Punjab and another : 2024 SCC OnLine SC 3473 "9. In the decision in Preeti Gupta v. State of Jharkhand: (2010) 7 SCC 667, 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 v. State of U.P.* : (2012) 10 SCC 741, 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 v. State of Bihar* : (2022) 6 SCC 599, 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*: 1992 Supp (1) SCC 335, 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."

C. - *Dara Lakshmi Narayana and others v. State of Telangana and another* : 2024 SCC OnLine SC 3682 "11. In *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("*Bhajan Lal*"), this Court formulated the parameters under which the powers under Section 482 of the CrPC could be exercised. While it is not necessary to revisit all the parameters, a few that are relevant to the present case may be set out 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.

x x x (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."

12. In the instant case, the allegations in the FIR are under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act.

13. Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.-- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.-- For the purpose of this section, "cruelty" means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

14. Further, Sections 3 and 4 of the Dowry Act talk about the penalty for giving or taking or demanding a dowry.

"3. Penalty for giving or taking dowry.--

(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to,--

(a) presents which are given at the time of a marriage to the bride without any demand having been made in that behalf:

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom without any demand having been made in that behalf:

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.-- If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."

15. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC, states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

16. Further, Section 3 of the Dowry Act deals with penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the Dowry Act talks of penalty for demanding dowry. It states that any person demanding dowry directly or indirectly,

from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

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25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos. 2 to 6, who are the members of the family of appellant No. 1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent No. 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

30. In the above context, this Court in *G.V. Rao v. L.H.V. Prasad*, (2000) 3 SCC 693 observed as follows:

"12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts."

31. Further, this Court in *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."

14. The Apex Court in the case of *Geddam Jhansi vs. The State of Telangana : Special Leave Petition (Criminal) No. 428 of 2024* decided on 07.02.2025 : 2025 INSC 160 has held that criminal charges of cruelty, dowry demand and domestic violence without specific allegations and credible materials may have disastrous consequences for families. It was further held that when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences. It has been held as under:

"31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the penal code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or

professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the house and not in the public gaze. Therefore, such violence is not noticed by public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like Protection from Domestic Violence Act, 2005, have been enacted with very expansive meaning and scope of what amounts to domestic violence. Since, violence perpetrated within the domestic sphere by close relatives is now criminalised entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner to hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the

complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, mere general allegation of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case."

15. In view of the discussions as above, this Court comes to the conclusion that although the applicant no.2/Smt. Abhilasha Singh and no.3/Om Prakash Singh are named in the F.I.R. but common and general role have been assigned to them. They have been exonerated of the charges levelled against them under Sections 307, 120B, 325 I.P.C. but Section 506 I.P.C. has been added in it. The allegations in the matter are general and omnibus. The husband and his parents were made as accused in the F.I.R. The dispute between the parties is purely matrimonial in nature. Marriage of the applicant no. 1 was solemnized with Ashi the daughter of the opposite party no. 2 in the year 2010 which is around 11 years prior to lodging of the F.I.R. The victim was leading a happy married life with Gaurav Verma as would be apparent from the fact that two children were born from the wedlock.

16. Looking to the facts of the case, law on the dispute, nature of allegations and the relationship of the applicant nos. 2/Smt. Abhilasha Singh and 3/Om Prakash Singh as per the F.I.R. and the entire material collected during investigation, the present cases is a fit case which deserve to be allowed insofar as they are concerned. Hence, the present application is allowed in so far as the applicant nos. 2/ Smt. Abhilasha Singh and 3/Om Prakash Singh are concerned and the proceedings, charge



sheet, cognizance/summoning order against them herein are quashed.

17. In so far as the petition with respect to the applicant no.1/Gaurav Verma is concerned, the same stands dismissed.

18. The interim order, if any, stands vacated.

19. The trial court concerned is directed to proceed with the trial expeditiously.

20. Accordingly, the present application u/s 482 Cr.P.C. is partly allowed.

(Samit Gopal, J.) Order Date :-27.03.2025 Naresh