

Vinod Kumar And 2 Others vs State Of U.P. And Another on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68851

Court No. - 87

Case :- APPLICATION U/S 482 No. - 18862 of 2016

Applicant :- Vinod Kumar And 2 Others

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

Counsel for Applicant :- Satya Prakash, Sunil Kumar Srivastava

Counsel for Opposite Party :- Avinash Pandey, G.A.

Hon'ble Prashant Kumar, J.

1. Heard Sri Satya Prakash, learned counsel for the applicants, Sri Shashi Dhar Pandey, learned A.G.A. for the State-Opposite Party No.1, and Sri Avinash Pandey, learned counsel for Opposite Party No.2, and perused the material on record.
2. The present application under Section 482 Cr.P.C. has been filed for quashing of the summoning order dated 14-10-2015 as well as proceedings of Complaint Case No. 63 of 2015, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act, P.S. Gagalhedi, district Saharanpur.
3. It is submitted by the learned counsel for the applicants that the F.I.R. has been lodged falsely by Opposite Party No.2 with an oblique motive to harass not only her husband (applicant No.1), but also the other family members, namely applicant nos.2 and 3, who have no direct involvement in the matrimonial affairs. It is pointed out that no specific role has been attributed to applicant nos.2 and 3, and the allegations levelled against them are general and omnibus in nature. It is contended that

continuation of proceedings against them would amount to abuse of the process of law. 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.

4. Per contra, learned counsel for Opposite Party No.2 submits that, in so far as applicant no.1 (husband) is concerned, the allegations against him are specific and are duly supported by the statement of the complainant and other witnesses recorded during investigation. Hence, prima facie a cognizable offence is made out against applicant no.1.

5. Heard rival submissions advanced on behalf of both the sides and perused the record.

6. A perusal of the complaint and the accompanying documents clearly indicates that the Opposite Party No.2 has sought to implicate the entire family of her husband, including Pawan Kumar (Dewar) and Smt. Sangeeta (Devrani). It appears to be a classic case of over-implication with the intention to exert undue pressure on the husband by roping in his entire family.

7. From the statements recorded under Sections 200 and 202 Cr.P.C., it emerges that a prima facie case is made out against applicant no.1, the husband of the complainant. Therefore, the prayer for quashing of proceedings against him is liable to be rejected.

8. Accordingly, the instant application qua applicant no.1-Vinod Kumar (husband) is dismissed.

9. However, on careful examination of the record, this Court finds force in the submissions made on behalf of applicant nos.2 and 3. The allegations against them are vague, general, and lacking in specific details. Even the statements recorded under Sections 200 and 202 Cr.P.C. do not disclose any specific role or overt act attributable to them.

10. 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."

10. 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.

11. 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.

12. Since in the instant matter, there is no specific averments against the applicants no.2 and 3, who are family members of husband of the 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 entire proceedings of Complaint Case No. 63 of 2015, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act, P.S. Gagahedi, district Saharanpur are hereby quashed.

Order Date :- 1.5.2025 pks