

# Musharraf Beg And 3 Others vs State Of U.P. And Another on 1 April, 2025

**Author: Raj Beer Singh**

**Bench: Raj Beer Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

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Neutral Citation No. - 2025:AHC:44833

Court No. - 71

Case :- APPLICATION U/S 482 No. - 7378 of 2020

Applicant :- Musharraf Beg And 3 Others

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

Counsel for Applicant :- B.N.Singh,Santosh Kumar Singh

Counsel for Opposite Party :- G.A.,Siddharth Singh,Sudeep Dwivedi

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.

2. This application u/s 482 Cr.P.C. has been preferred for quashing of the entire proceeding, including summoning order dated 31.01.2017, of Complaint Case No. 542 of 2015 (Hazi Bedar Ahmad Vs. Musharraf Beg and others), under Sections 498-A, 323, 504, 506 IPC, P.S.- Khetasarai, District- Jaunpur, pending in the court of 1st Additional Chief Judicial Magistrate, Jaunpur.

3. It has been submitted by learned counsel for the applicants that applicant no.1 is husband and applicant no.2 and 3 are sister-in-law and brother-in-law of the daughter of opposite party no.2 / complainant and applicant no.4 is maternal aunt (Mausi) of the daughter of opposite party no.2 / complainant. The marriage of daughter of opposite party no.2 / complainant has taken place with applicant no.1 on 14.04.2012. The allegation of dowry demand and harassment of victim (daughter of complainant) made against applicants are wholly false. The victim has not sustained any injury. The allegation that applicants have indulged in trafficking of victim are wholly absurd and baseless and there is no evidence to support the same. It was submitted that after thorough investigation police have submitted final report with conclusion that no case is made out. The protest petition preferred by complainant was registered as a complaint case and thereafter applicants have been summoned. It was submitted that applicant no.2 Smt. Sagufta Beg is married sister-in-law (Nanad), applicant no.3 is brother-in-law and applicant no.4 is maternal aunt of the victim and no specific allegation has been made against them. Referring to facts of the matter, it was submitted that no prima facie case is made out against applicants. In support of his contentions, learned counsel has placed reliance upon following case laws:

(i) Achin Gupta Vs. State of Haryana and another [2024] 6 S.C.R. 129 : 2024 INSC 369,

(ii) Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others 2022 0 Supreme(SC)117 and;

(ii) Dara Lakshmi Narayana & others Vs. State of Telangana & another (2024) 12 S.C.R. 559: 2024 INSC 953.

4. Learned counsel for the opposite party No.2 and learned AGA have opposed the application and submitted that there is evidence that the daughter of complainant was harassed by applicants on account of dowry and they used to assault her. Learned counsel for the opposite party No. 2 / complainant has referred statement of PW-2 Surendra Prasad Singh, examined under Section 202 CrPC, and pointed out that applicants have even agreed to sell the victim for Rs.15,00,000/- and they have obtained Rs.5,00,000/- as part payment. Thus, the applicants have indulged in human trafficking in respect the victim. It was submitted that there are serious allegations against applicants and a prima facie case is made out against applicants.

5. I have considered the rival submissions and perused the record.

6. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases. However, where the allegations made in the FIR or the complaint and material on record even if 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, the charge-sheet may be quashed in exercise of inherent powers under Section 482 of the Cr.P.C. In well celebrated judgement reported in AIR 1992 SC 605 State of Haryana and others Vs. Ch. Bhajan Lal, Supreme Court has carved out certain guidelines, wherein FIR or proceedings may be quashed but cautioned that the power to quash FIR

or proceedings should be exercised sparingly and that too in the rarest of rare cases.

7. It would be pertinent to mention that in case of *Arnesh Kumar Vs. State of Bihar and Anr.* (2014) 8 SCC 273, the Hon'ble Apex Court has held as under:-

"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 a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested."

8. In *Preeti Gupta & Anr. Vs. State of Jharkhand & Anr.* (2010) 7 SCC 667, the Hon'ble Apex Court held:-

"32. It is a matter of common experience that most of these complaints under section 498AIPC 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 are also a matter of serious concern.

33. 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 498A 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."

9. In *Geeta Mehrotra & Anr. Vs. State of UP & Anr.* (2012) 10 SCC 741, the Hon'ble Apex Court has held as under:-

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of *G.V. Rao vs. L.H.V. Prasad & Ors.* reported in (2000) 3 SCC 693 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:

"there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, 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 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 reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the 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."

10. In *K. Subba Rao v. The State of Telangana*(2018) 14 SCC 452 , the Hon'ble Apex Court has held as under:-

"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."

11. The above pronouncements of Apex Court show that there is tendency of implicating the relatives of husband in matrimonial dispute. It was held that false implication by way of general and omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. In this connection, a reference may also be made to case of *Kahkashan Kaushar @ Sonam & Others Vs. State of Bihar & Others*(2022) 6 SCC 599.

12. In the instant matter perusal of record shows that applicant no.1 is husband, applicant no.2 and 3 are sister-in-law and brother-in-law and applicant no.4 is maternal aunt (Mausi) of the daughter of opposite party no.2 / complainant. The marriage of victim (daughter of opposite part no.2) with applicant no.1 has taken place on 14.04.2012. The victim has not sustained any injury. Mainly the allegations of dowry demand and harassment of victim have been levelled against applicant No. 1/ husband. In respect of applicant No. 2, 3 and 4 only general and vague allegations have been levelled and no specific role has been assigned to them. Even otherwise the applicants No. 2, 3 and 4 were not going to be benefited by fulfilment of any dowry demand. The allegations of trafficking in respect of victim are absurd and baseless and it appears that the same have been made with intention to blow the matter out of proportion. Considering entire material on record a prima facie case against the applicant No. 1 is made out but the impugned proceedings against applicant No. 2, 3 and 4 are nothing but abuse of the process of court. They can not be prosecuted on such vague allegations as levelled against them and even no prima case is made out against them. Thus, the impugned proceedings against applicant No. 2, 3 and 4 are liable to be quashed.

13. In view of aforesaid, the application of behalf of applicant no.1 Musharraf Beg is dismissed.
14. The impugned proceedings against applicant No. 2, 3 and 4, namely, Smt. Sagufta Beg, Furkan Beg and Sahana, are hereby quashed. The application under section 482 CrPC on behalf of applicant No. 2 , 3 and 4 is allowed.
15. The impugned summoning order stand altered accordingly. The case against applicant Musharraf Beg would proceed further in accordance with law.
16. The application u/s 482 Cr.P.C. is disposed of in the above terms.

Order Date :- 1.4.2025 RKM