

Neutral Citation No. - 2025:AHC:110887

Reserved on 07.07.2025

Delivered on 11.07.2025

Court No. - 79

**Case :-** APPLICATION U/S 482 No. - 30408 of 2014

**Applicant :-** Anand Sharma 4 Ors

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

**Counsel for Applicant :-** Prateek Rai, Vishal Sunder S. Sharma

**Counsel for Opposite Party :-** Anubhav Sinha, Vidit Narayan Mishra

**Hon'ble Prashant Kumar, J.**

1. Heard Sri Prateek Rai, learned counsel for the applicants, Sri Jyoti Kumar Singh, learned A.G.A. for State-O.P. no.1, Sri V.N. Mishra, learned counsel for opposite party no.2 and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed for quashing the entire proceedings of Case Crime No.1269 of 2013, under Sections 498A, 323, 315, 504, 506 IPC and Section 3/4 D.P. Act, P.S. Mahila Thana, Sector – 39 NOIDA, District Gautam Budh Nagar.

3. The opposite party no.2 is the wife of applicant no.1, the opposite no.2 has lodged an FIR against her husband i.e. applicant no.1, father-in-law, mother-in-law, sister-in-law and brother-in-law i.e. applicant nos.2, 3, 4 & 5 alleging that opposite party no.2 was subjected to various kind of cruelties by the accused persons due to non-fulfillment of their demand of additional dowry. However, apart from her husband she has implicated father, mother, sister and brother-in-law of her husband i.e. applicant nos.2, 3, 4 & 5 in which after investigation has been charge-sheet filed and the Court has summoned the applicants, which has been assailed in this application.

4. Learned counsel for the applicants submits that the allegations made in the FIR against applicant nos.2 to 5 are general in nature. He further submits that the entire family members of husband have been roped in just to put undue pressure. Hence, the instant proceeding is nothing else but pure abuse of process of law and liable to be quashed. To buttress his arguments, he has placed reliance upon a judgement passed by the **Hon'ble Apex Court in the matter of Geeta Mehrotra & Another v. State of Uttar Pradesh & Anr., 2012 (10) SCC 741.**

5. Per contra, learned A.G.A. as well as learned counsel for O.P. no.2 submits that the allegations made in the complaint against the applicant nos.2, to 5 are general and vague in nature. He submitted that so far as

summoning of applicant no.1 is concerned, there is no illegality, infirmity or impropriety in the impugned order and the same does not warrant any interference by this Court.

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

7. A bare perusal of the FIR shows that O.P. no.2 had filed an FIR wherein she had implicated the entire family members of her husband (applicant no.1), who are distant relatives. It is a clear case of putting undue pressure on the husband by implicating his entire family members. So far as the application qua applicant no.1 (husband) is concerned, the same stands **dismissed**.

8. However, upon careful consideration, this Court finds merit in the submissions made with regard to applicant nos.2 to 5. The allegations levelled against them are vague and general in nature. The FIR fails to provide specific instances or incidents that applicant nos.2 to 5 were directly involved in any wrongdoing.

9. 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 Section 498A 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. However, so far as the general allegations are concerned, the law has been settled by the Hon'ble Supreme Court in the matter of **Kahkashan Kausar alias Sonam v. State of Bihar, (2022) 6 SCC 599**. The relevant paragraphs of the aforesaid judgment are extracted hereunder:-

*"19. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 01.04.19, it is revealed that general allegations are levelled against the Appellants. The complainant alleged that 'all accused harassed her mentally and threatened her of terminating her pregnancy'. Furthermore, no specific and distinct allegations have been made against either of the Appellants herein, i.e., none of the Appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are therefore general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High court, we have not examined the veracity of allegations made against him. However, as far as the Appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.*

*21. Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate transactions, the present complaint fails to establish specific allegations against the in-laws of the Respondent wife. Allowing prosecution in the absence of clear allegations against the in-laws Appellants would simply result in an abuse of the process of law."*

13. It is to be seen that the general and vague allegation in respect of a matrimonial dispute against in-laws is indicative of the fact that the allegations are founded in order to enhance the gravity of the offence. The Hon'ble Supreme Court in **Kahkashan Kausar alias Sonam's** case (supra) has quashed the proceedings of a matrimonial dispute due to the vague nature of allegations against the in-laws. It is evident that the same rationale applies in the present case. The Court has reiterated that relatives of the husband cannot be compelled to undergo trial without specific allegations of dowry demand and emphasized the need to discourage criminal trials that lack specific charges.

14. The Hon'ble Supreme Court in **Neelu Chopra v. Bharti (2009) 10 SCC 184**, has held that mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498-A IPC. Therefore, considering the vague and general nature of

the allegations against the applicants, and in accordance with the principles enunciated by the Supreme Court, this Court deems it fit to quash the criminal proceedings initiated against the applicant.

15. As per the principles enunciated by the Hon'ble Supreme court, it becomes imperative to assess the nature of the allegations levelled against applicant nos.2 to 5. The ratio laid down by the Hon'ble Supreme Court in catena of judgments, which has been mentioned hereinabove, highlights the common tendency to implicate not only the husband but also his immediate relations in complaints filed under Section 498-A IPC. However, it is essential for the courts to exercise careful scrutiny and consider pragmatic realities while dealing with such complaints, especially concerning allegations against distant relatives who may have had minimal or no involvement in the events alleged.

16. Since in the instant matter, there is no specific averments against the applicant nos.2 to 5, 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 qua applicant nos.2 to 5 is hereby allowed the entire proceedings of Case Crime No.1269 of 2013, under Sections 498A, 323, 315, 504, 506 IPC and Section 3/4 D.P. Act, P.S. Mahila Thana, Sector – 39 NOIDA, District Gautam Budh Nagar are hereby *quashed*.

**Order date:-**11.07.2025  
S.P.