



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. _____ OF 2025
[ARISING OUT OF SLP (Crl.) NO. 3037 OF 2025]

KRISHNAKANT KWIVEDY & ANOTHER

...APPELLANTS

VERSUS

STATE OF CHHATTISGARH & OTHERS

...RESPONDENTS

J U D G M E N T

- 1.** Leave granted.
- 2.** The challenge in this criminal appeal is to the judgment and order dated 20th August, 2024 passed by the High Court of Chhattisgarh at Bilaspur¹. By the impugned order, which was passed on a petition under Section 482, Code of Criminal Procedure, 1973², the High Court quashed proceedings arising out of a First Information Report³ dated 29th November, 2016, bearing no. 608 of 2016 registered at Police Station – Mohan Nagar, lodged by the 1st appellant against the 2nd to 4th

¹ impugned order

² Cr. PC

³ FIR

respondents for offences under Sections 3 and 4 of the Dowry Prohibition Act, 1961⁴.

3. While the 2nd appellant is the daughter of the 1st appellant, the 2nd, 3rd and 4th respondents are the father, mother and brother, respectively, of the 5th respondent.
4. The FIR was duly investigated, whereupon charge-sheet no.116/2018 dated 27th May, 2018 under Section 173(2), Cr. PC for the aforesaid offences was filed before the trial court.
5. It is not in dispute that the 1st appellant and the 2nd respondent had engaged in negotiations for solemnisation of marriage between the 2nd appellant and the 5th respondent. However, such negotiations did not lead to the marriage. It was alleged in the FIR that the negotiations failed because of the inability of the 1st appellant to meet the continuous demands for dowry raised by the 2nd respondent and the co-accused.
6. A Division Bench of the High Court recorded in paragraph '13' of the impugned order that the allegations contained in the FIR, even if they are taken at their face value and accepted in their entirety, do not *prima facie* constitute an offence under Sections 3 and 4 of the 1961 Act against the 1st to 3rd petitioners before it (2nd, 3rd and 4th respondents herein) as the allegations "*are vague and omnibus in nature and no specific allegations are made against them*". However, the allegations levelled against the 5th respondent did not warrant quashing of the FIR insofar as he is concerned. Accordingly, in exercise of inherent powers, the FIR was

⁴ 1961 Act

quashed *qua* the 2nd, 3rd and 4th respondents, while it was sustained *qua* the 5th respondent.

7. We have heard learned counsel appearing for the parties and perused the impugned order together with the FIR to ascertain as to whether the allegations levelled by the 1st appellant in the FIR did disclose any offence alleged to have been committed by the 2nd, 3rd and 4th respondents under the 1961 Act, and also as to whether the High Court was justified in returning the findings it did.

8. *Inter alia*, the direct allegations against the 2nd, 3rd and 4th respondents appearing from the FIR are noted below:

- i.** After the 5th respondent had met the 2nd appellant on 15th April, 2016 and expressed his willingness to marry her, the 4th respondent came to Durg on 4th June, 2016 to talk about the marriage and suddenly started asking for Rs. 10 lakh in marriage and a vehicle.
- ii.** Having claimed Rs. 2 lakh in cash along with clothes, silverware and other articles, on the day the tilak ceremony was held, i.e., 10th July, 2016, the 2nd to 5th respondents were given the same by the 1st appellant as gift.
- iii.** Consequent to negotiations and upon the date of marriage being fixed, a venue (Indralok Bhavan) was booked by the 1st appellant on 18th June, 2016 by paying Rs. 61,000/- as advance. A hotel (Sheetla) was also booked to accommodate the guests for two days upon due advance payment.

iv. On 21st August, 2016, in course of a telephonic conversation that the 3rd respondent had with the 1st appellant, she once again demanded Rs. 10 lakh and a car as dowry. The 1st appellant having refused to oblige, the 2nd to 5th respondents called off the marriage.

- 9.** Having read the FIR as it is, we do find specific and definite allegations with particulars of dates and time being disclosed which, *prima facie*, contain ingredients of offences allegedly committed by the 2nd, 3rd and 4th respondents punishable under the relevant law. In fact, on a bare reading of the FIR, we are left to wonder what more was required of the 1st appellant to allege that could, in the view of the High Court, constitute full and fair disclosure of offences. In view thereof, we are at a total loss to comprehend as to how the FIR and the consequent proceedings against the 2nd, 3rd and 4th respondents could have been quashed by the High Court holding that the allegations against them are vague and omnibus in nature.
- 10.** Learned senior counsel appearing for the 2nd, 3rd and 4th respondents did not seek to justify the impugned order relying on the ground assigned by the High Court; instead, he sought to contend that the 1st appellant had made a misrepresentation to the 2nd respondent about the former's status. Our attention is drawn to page '19' of the counter affidavit to buttress the contention regarding misrepresentation. Also, the decision of this Court in **State of Haryana v. Bhajanlal**⁵, is cited and clause 7

⁵ 1992 supp. (1) SCC 335

of paragraph 102 thereof relied on to contend that the criminal proceedings having been manifestly attended with *mala fide* and instituted with an ulterior motive for wreaking vengeance, the High Court was justified in quashing the criminal proceedings.

11. We are in respectful disagreement with the aforesaid contentions for twin reasons. First, whether or not there has been misrepresentation is entirely a question of fact which cannot be decided at the stage when the inherent powers of the High Court are invoked for quashing of an FIR/criminal proceedings. Such a question obviously has to be left for a decision at the trial, if at all a defence to that effect is raised, and it would then be for the trial court to consider the same while it returns its findings on the question of guilt or otherwise. Secondly, the expression “manifestly attended with *mala fide*” following criminal proceedings, as appearing in clause 7 of paragraph 102 of **Bhajanlal** (supra) makes the position clear that *mala fide* must be manifest on the face of the FIR. The present case does not fall in that category. **Bhajanlal** (supra), therefore, does not aid the 2nd, 3rd and 4th respondents. Even otherwise, the FIR and the consequent proceedings were not quashed by the High Court on the ground that the same were manifestly attended with *mala fide* or that the proceedings were maliciously instituted with an ulterior motive for wreaking vengeance.

12. Having regard to the above, we find little reason to uphold the impugned order.

- 13.** The High Court having committed a serious error in entertaining the petition under Section 482 of the Cr. PC while exercising its inherent power and having occasioned a grave failure of justice in granting relief to the 2nd, 3rd and 4th respondents, the impugned order stands set aside.
- 14.** The criminal proceedings arising out of the subject FIR shall be taken to its logical conclusion, in accordance with law.
- 15.** None of the observations made hereinabove shall influence the trial court while it takes the proceedings further.
- 16.** The appeal, accordingly, stands allowed. No costs.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI.
AUGUST 08, 2025.