2025 INSC 1287

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.4752 OF 2025
[ARISING OUT OF S.L.P. (CRIMINAL) NO.1531 OF 2025]

MUSKAN **... APPELLANT(S)**

VERSUS

ISHAAN KHAN (SATANIYA) AND OTHERS **... RESPONDENT(S)**

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. Leave granted.

2. The present Appeal has been preferred against the impugned order dated 19.07.2024 in Misc. Criminal Case No.10695 of 2024 passed by the High Court of Madhya Pradesh at Indore wherein the High Court has quashed the proceedings emanating from FIR No. 35 of 2024 dated 28.01.2024 registered at Police Station Alot, District Ratlam, Madhya Pradesh under Section 498A of the Indian Penal Code, 1860[1] and Sections 3 and 4 of the Dowry Prohibition Act, 1961 against private respondent Nos.1 to 5 herein.

[1] "IPC"

3. At the outset, it will be pertinent to mention that respondent Nos.1 to 5 herein have not entered appearance in the present case and *vide* order dated 28.03.2025, this Court appointed Mr. Prakhar Srivastava, learned counsel, as *Amicus Curiae* to assist the Court (Pro Bono) on behalf of the unrepresented respondents.

A. FACTUAL MATRIX

4. Brief facts of the present matter are that the marriage between the appellant and respondent No. 1 was solemnized on 20.11.2020 in accordance with Muslim traditions and customs. From the marriage, a son was born. During the initial days of the marriage, the appellant was treated well by respondent No. 1 and his family members.

5. However, after 5-6 months of the marriage, the private respondents started harassing the appellant by taunting her that her father had given nothing in dowry. Her husband and other members of his family started hurling filthy abuses at the appellant. Further, respondent No.1, told the appellant to fetch Rs.50 lakhs from her father so that he can pass the MIC examination. He told her, he will only keep her if she tells her father to give Rs.50 lakhs.

6. Due to continuous cruelty faced by the appellant at the hands of the private respondents, she returned to her paternal home and registered an FIR being FIR No.35 of 2024 registered at Police Station Alot, District Ratlam, Madhya Pradesh under Section 498A of the IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 against Ishaan Khan, respondent No.1 (husband), Irfana

Bee, respondent No.2 (mother-in-law), Ishaaq Khan, respondent No.3 (father-in-law), Aaysha Bee, respondent No.4 (sister-in-law) and Shahid Khan, respondent No.5 (brother-in-law).

7. It was specifically mentioned in the FIR that after 5-6 months of marriage, all the above-named persons started taunting her for not giving dowry. It was stated that on 22.07.2021, respondent Nos.1 to 5 hurled abuses at her and her brother-in-law, who is respondent No.5, slapped her and asked her to bring dowry. Thereafter, on 27.11.2022, respondent No.1, her husband, asked her to bring Rs.50 lakhs from her father as he wanted to pursue further medical studies. Pursuant to which, her husband ousted both, the appellant and their son Iwaan Khan, from the matrimonial house. Thereafter, the appellant started residing with her parents. It was further stated on behalf of the appellant that her father made several attempts to reconcile differences, but the private respondents were adamant in their demand for the sum of Rs.50 lakhs.

8. Against FIR No.35 of 2024, respondent Nos.1 to 5 preferred Miscellaneous Criminal Case No.10695 of 2024, a petition under Section 482 of the Code of Criminal Procedure Code, 1973[2], for quashing of the said FIR registered under Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and all further proceedings arising therefrom.

[2] For short, 'the Cr.PC'

9. The High Court *vide* the impugned order dated 19.07.2024 allowed the Miscellaneous Criminal Case No.10695 of 2024. Being aggrieved thereby, the present Appeal has been filed.

10. While issuing notice in this matter, this Court passed the following order on 24.01.2025:

> "1. Delay condoned.
>
> 2. We have perused the complaint dated 23rd January, 2023, filed by the instant petitioner at the concerned police station, which is part of the additional documents filed by the petitioner (page no.6).
>
> 3. *Prima facie*, we are of the view that the matter requires consideration, more so, in view of the observation made by the High Court in Para No.10 of the impugned order.
>
> 4. Issue notice, returnable on 28.02.2025.
>
> 5. Dasti service, in addition, is permitted. Steps for service be taken within two weeks."
>
> (emphasis supplied)

This Court noted that this matter requires consideration, more so, in view of the observation made by the High Court in paragraph 10 of the impugned order.

B. SUBMISSIONS OF PARTIES

11. We have heard the learned counsel for the appellant, learned *Amicus Curiae* for the unrepresented private respondent Nos.1 to 5 and learned counsel for respondent No.6-State of Madhya Pradesh.

12. Learned counsel appearing on behalf of respondent No.6/State argues that power of quashing should be exercised only in rarest of rare cases. The High Court while examining an FIR/complaint ought not to embark upon an enquiry as to the reliability and genuineness of allegations. It was also argued that merely because the appellant did not mention the two specific incidents earlier in the complaints before registration of the FIR, the same could not have been termed as an afterthought when other specific allegations of harassment and demand of dowry were mentioned. To bolster his submissions, reliance has been placed on the decisions of this Court in ***Neeharika Infrastructure Private Limited v. State of Maharashtra and Others***[3] and ***State of Haryana and Others v. Bhajan Lal and Others***[4].

13. Learned *Amicus Curiae* appearing on the behalf of the private respondents submits that a bare perusal of the complaints dated 22.01.2023 and 23.01.2023 lodged by the appellant before the Women's Cell in Ratlam and the subsequent FIR dated 28.01.2024 would reveal that there are some inconsistencies in the contents thereof. The complaints filed before the Women's Cell in Ratlam are generic in nature whereby the appellant had *inter alia* alleged that since her marriage, she was not being treated properly and was subjected to abuses and constant taunts for not bringing enough dowry and respondent No. 2 i.e. the mother-in-law, was not providing enough food and water to her whilst also keeping her under constant surveillance. Interestingly, there is no mention of

[3] (2021) 19 SCC 401
[4] 1992 Supp (1) SCC 335

either of the two dates i.e. 22.07.2021 and 27.11.2022. Further, there is no mention of a crystallized amount of dowry allegedly demanded by respondent Nos. d1 to 5 in these complaints.

14. It was further argued that the appellant was allegedly ousted from her matrimonial home on 27.11.2022 by respondent No.1. Thereafter, she filed a complaint before the Women's Cell, Ratlam on 22.01.2023 whereas the FIR was lodged after a delay of 1 year i.e. on 28.01.2024. Further, the contents of the FIR reveal that the appellant has not made specific allegations against respondent Nos. 2 to 4 and merely vague and omnibus averments have been made, which even if relied on their face value, do not constitute the commission of a cognizable offence.

15. To bolster his submissions, learned *Amicus Curiae* has relied on the decisions of this Court in ***Lalita Kumari v. Government of Uttar Pradesh and Others***[5]***, Mahmood Ali and Others v. State of Uttar Pradesh and Others***[6]***, Digambar and Another v. State of Maharashtra and Another***[7] and ***Dara Lakshmi Narayana and others v. State of Telangana and Another***[8].

16. The rival submissions now fall for our consideration.

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[5] (2014) 2 SCC 1
[6] (2023) 15 SCC 488
[7] 2024 SCC OnLine SC 3836
[8] (2025) 3 SCC 735

C. ANALYSIS

17. The main issue that arises for our analysis is whether the High Court was right in quashing the criminal proceedings against the private respondents primarily on the ground that the earlier complaints did not mention the two specific incidents dated 22.07.2021 and 27.11.2022, which were later on added in the FIR and whether the same would not amount to conducting a *'mini trial'* which is clearly prohibited under the scheme of Section 482 of the Cr.PC.

18. At the outset it will be appropriate to advert to the observations made by the High Court in paragraphs 9 and 10 of the impugned order:

> "9. It is undisputed that prior to filing FIR (Annexure P/5), a written complaint dated 22.01.2023 (Annexure P/3) was filed before Mahila Police Station, Ratlam, District Ratlam (MP) for the alleged harassment meted out to respondent No.2 from her husband and in-laws (applicants before this Court). It is also not in dispute that both the parties i.e. applicant No. 1 and respondent No.2, on their counter allegations, were advised by Police Mahila Thana, Ratlam to take recourse of law, but no action was taken on the above 3 MCRC-10695-2024 complaint by respondent No.2. In such a situation, if respondent No.2 was aggrieved of advice dated 23.01.2023 given by Mahila Police Station, Ratlam, she might have approached the Superintendent of Police for inaction on the part of the concerned Police Station on her complaint, but this has not been done.
>
> 10. It is also pertinent to note that in the *(sic)* above written complaint, there has not been a whisper of the events of harassment on 22.07.2021 and 27.11.2022, as narrated in the FIR (Annexure P/5). It manifests that the alleged incidents of harassment meted out to the complainant allegedly took place on 22.07.2021 and 27.11.2022 are afterthought. The contentions raised on behalf of the applicants that FIR (Annexure P/5) is a counterblast to notice (Annexure P/1) given by applicant No. 1 to respondent No.2 also finds support from the above."
>
> (emphasis supplied)

19. From a bare perusal of the above mentioned paragraphs it can be seen that one of the important factors that weighed in while allowing the quashing

application of the private respondents was that in the earlier complaints filed by the appellant, there was no mention of the events of harassment that happened on 22.07.2021 and 27.11.2022, which were later on added in the FIR dated 28.01.2024. Hence, we extract the relevant portion of the complaints dated 22.01.2023 and 23.01.2023 which would clearly indicate *prime facie* allegations of harassment and demand of dowry against the private respondents:

"22.01.2023

> …That immediately after the Nikah, the respondents namely Ishan, father-in-law Ishaq Khan, mother-in-law Irfana Bi, sister-in law (Nanad) Ayesha, Nandoi Shayid Khan, Jeth Hemuddin son of Akbar Khan resident of Ujjain started raising demand of dowry from me. They are constantly causing physical and mental harassment for the last two years. A demand of dowry is being raised every day since the day of my marriage. My father gave a Pulsar Bike but I was asked to bring a car. On the occasion of my sister-in-law's wedding, they asked me to ask my father to give an A.C to their daughter Ayesha in the dowry. My mother-in-law did not allow my husband to come to the hospital at the time of my delivery. At the time of my 'God-Bharai', she demanded clothes and my mother-in-law puts restrictions on my eating food and having breakfast. She asks me to eat the same vegetable three times a day and asks me not to eat breakfast, she lets me drink tea once a day, she has installed cameras in my kitchen. My mother-in-law locks me in the house from outside. She does not allow me to talk to my husband. My husband would come to me at 11 o'clock in the night and would quarrel with me and assault me. My sister-in-law and brother-in-law would come to Ghosla almost every day and would scare me and threaten to kill me. They do not give me my mobile phone, they do not let my family members come to Ghosla and talk to me even on the phone. It is the daily routine of my father-in-law to hurl abuses morning and evening."

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23.01.2023

> …. Since after my marriage, I have been tortured and threatened. Ask your father to give a car and a demand was raised for an A.C. in my sister-in-law's marriage. When the demand could not be fulfilled by my father, I am

being made to eat same vegetable for three days and they do not allow me to take my breakfast and I am given tea only once in a day.

My mother-in-law, sister-in-law, brother-in-law and father-in-law come together to my room and hurl abuses and threaten me. My father-in-law hurls abuses in obscene language and my mother-in-law makes me work the entire day and does not let me eat anything. My sister-in-law and brother-in-law everyday tell my mother-in-law to send him away over the phone. Many times they confine me in the room and lock the same from outside and I am not allowed to go out and I am not even allowed to open the window of the house. They have confined me as hostage in the house for many days. They do not let me talk to my family on phone and do not even let my family members meet me. My husband is also involved in all this. He never gives me even 2 rupees for expenses. They do not even allow me to visit my relatives. As such, being troubled by all this, I came to my parents' house.

…."

It is also apposite that we extract the relevant portions of the FIR so as to better understand the allegations against the private respondents, particularly the two specific incidents that happened on 22.07.2021 and 27.11.2022. The relevant extract reads thus:

"…..I kept tolerating their taunts in order to save my marital life. But on 22.07.2021, my husband Ishan Khan, mother-in-law Irfana Bee, father-in-law Ishaq Khan, sister-in law Aaysha Bee and brother-in-law (Nandoi) Syed Khan hurled abuses to me. My brother-in-law (Nandoi) Syed Khan slapped me also and asked me to bring dowry from your father's house. Despite all this, I kept tolerating their torture. But on 27.11.2022, my husband Ishan Khan told me that I have passed the examination of M.B.B.S. and now I have to pursue M.C.I. Examination, as such, now if you will bring an amount of Rs. fifty lacs from your father, only then, I will keep you with me and say this, he ousted me and my son Iwaan Khan from the house while holding our hand. Thereafter, I came to my father Zahid Khan's house at Alot and narrated the entire incident to my father and mother Parveen Bee. Since then, I am residing at Alot alongwith my father. My father made several attempts to make my husband and in-laws

understand but these people are adamant for their demand of dowry of a sum of Rs. fifty lacs that unless and until, they are given a dowry of Rs. fifty lacs, they will not take me with them. Today, I have come to make a report in the police station alongwith my father Zahid Khan. I lodge the report, action may be taken."

(emphasis supplied)

20. The classic exposition on law under Section 482 of the CrP.C is found in ***Bhajan Lal*** (supra) wherein this Court elaborated upon the scope of Section 482 of the Cr.PC. It was held thus:

"**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 have given 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 channelized 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(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."

21. In ***Daxaben v. State of Gujarat and Others***[9], a two-Judge Bench held as follows:

"**26.** Even though, the inherent power of the High Court under Section 482 CrPC, to interfere with criminal proceedings is wide, such power has to be exercised with circumspection, in exceptional cases. Jurisdiction under Section 482 CrPC is not to be exercised for the asking.

27. In Monica Kumar v. State of U.P. [(2008) 8 SCC 781 : (2008) 3 SCC (Cri) 649], this Court held that inherent jurisdiction under Section 482 CrPC has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself.

28. In exceptional cases, to prevent abuse of the process of the Court, the High Court might in exercise of its

[9] (2022) 16 SCC 117

> inherent powers under Section 482 quash criminal proceedings. However, interference would only be justified when the complaint did not disclose any offence, or was patently frivolous, vexatious or oppressive, as held by this Court in Dhanalakshmi v. R. Prasanna Kumar [1990 Supp SCC 686 : 1991 SCC (Cri) 142 : AIR 1990 SC 494] .
>
> *****
>
> **36.** Offence under Section 306 IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 CrPC is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case."

22. On the aspect of the powers of the Courts under Section 482 of the Cr.PC, it is settled that at the stage of quashing, the Court is not required to conduct a *mini trial.* Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.

23. This Court in the case of ***State of Odisha v. Pratima Mohanty and Others***[10] held that:

> "**8.2.** It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an

[10] (2022) 16 SCC 703

exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

24. Further in the case of ***Central Bureau of Investigation v. Aryan Singh and Others***[11], this Court held that at the stage of Section 482 of the Cr.PC, the High Court is not required to conduct a mini trial.

> "**6.** From the impugned common judgment and order [Aryan Singh v. CBI, 2022 SCC OnLine P&H 4158] passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini trial. The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency."
>
> (emphasis supplied)

25. This Court in ***Neeharika Infrastructure Private Limited*** (supra) gave following directions to the Courts exercising the power under Section 482 of the Cr.PC:

> "***Conclusions***
>
> **33.** In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to

[11] (2023) 18 SCC 399

be adopted", during the pendency of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1 ....

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare cases" (not to be confused with the formation in the context of death penalty).

33.5. <u>While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.</u>

33.6 ....

33.7. <u>Quashing of a complaint/FIR should be an exception rather than an ordinary rule.</u>

33.8 to 33.11 ....

33.12. The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy

facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13 and **33.14** .....

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR."

(emphasis supplied)

26. Further, this Court in the case of ***State of Telangana v. Habib Abdullah Jeelani and Others***[12] held that:

"**13.** There can be no dispute over the proposition that inherent power in a matter of quashment of FIR has to be exercised sparingly and with caution and when and only when such exercise is justified by the test specifically laid down in the provision itself. There is no denial of the fact that the power under Section 482 CrPC is very wide but it needs no special emphasis to state that conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court.

14. In this regard, it would be seemly to reproduce a passage from Kurukshetra University [Kurukshetra University v. State of Haryana, (1977) 4 SCC 451: 1977 SCC (Cri) 613] wherein Chandrachud, J. (as his Lordship then was) opined thus : (SCC p. 451, para 2)

"2. It surprises us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, it could

[12] (2017) 2 SCC 779

> quash a first information report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the FIR. It ought to be realised that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.""
>
> (emphasis supplied)

27. We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no *prime facie* case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that *prime facie* allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no.1/husband to the appellant as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a *mini trial*.

28. Accordingly, in our view, the present case warrants interference by this Court, and we do so. We hereby set aside the impugned order passed by the High Court in Miscellaneous Criminal Case No.10695 of 2024.

29. The Appeal is, accordingly, allowed. All contentions and defences available to the respective parties are kept open which shall be considered by the Trial Court on its own merits and in accordance with law.

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
NOVEMBER 06, 2025