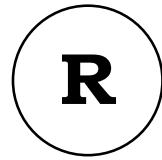


**Reserved on : 27.11.2025  
Pronounced on : 08.01.2026**



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08<sup>TH</sup> DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.7053 OF 2024

**BETWEEN:**

- 1 . ABUZAR AHMED  
S/O SAUD AHMED,  
AGED ABOUT 36 YEARS.
- 2 . SAUD AHMED  
S/O MUKTAR AHMED,  
AGED ABOUT 65 YEARS.
- 3 . MARZIA SAUD  
W/O SAUD AHMED,  
AGED ABOUT 58 YEARS.
- 4 . FAIZAN AHMED  
S/O SAUD AHMED,  
AGED ABOUT 34 YEARS.

ALL ARE RESIDING AT  
NO. 27, ALFRED STREET,  
MUSEUM ROAD,  
RICHMOND TOWN,  
BENGALURU – 560 025.

(BY SRI SYED KHALEEL PASHA, ADVOCATE)

... PETITIONERS

**AND:**

- 1 . THE STATE OF KARNATAKA  
REPRESENTED BY  
BASAVANGUDI WOMEN PS  
BENGALURU CITY,  
STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
BENGALURU – 560 001.
  
- 2 . RUMAN ASAD  
W/O ABUZAR AHMED,  
AGED ABOUT 29 YEARS,  
R/AT NO. 5A, 4<sup>TH</sup> FLOOR,  
27<sup>TH</sup> MAIN, 39<sup>TH</sup> CROSS,  
AL AMEEN APARTMENT,  
9<sup>TH</sup> BLOCK, JAYANAGAR  
BENGALURU – 560 069.
  
3. BUREAU OF IMMIGRATION  
BENGALURU.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1;  
SRI NAVEED AHMED, ADVOCATE FOR R-2;  
SRI H.SHANTHI BHUSHAN, DSGI FOR R-3)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE FIR IN CR.NO.90/2024 OF BASAVANGUDI WOMEN P.S., P/U/S 498-A, 504 OF IPC, R/W 3 AND 4 OF DP ACT, WHICH IS PENDING ON THE FILE OF THE HON'BLE 37<sup>th</sup> ACMM COURT AT BANGALORE.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27.11.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**CAV ORDER**

**The petitioners, 4 in number, stand before this Court seeking shelter from the sweeping arm of criminal law, which according to them, has been set in motion, not by the weight of culpability, but by the frailty of matrimonial discord.** They call into question the registration of crime in Crime No.90 of 2024, where they have been arrayed as accused, for offences punishable under Sections 498A and 504 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 ('the Act' for short).

2. Facts, in brief, germane are as follows: -

Before embarking upon consideration of the issue on its merits, it becomes necessary to delineate the relationships that bind and now divide, the protagonists in the *is*. The 2<sup>nd</sup> respondent

is the complainant/wife of the 1<sup>st</sup> petitioner/accused No.1. Accused No.2 is the father-in-law of the complainant; accused No.3 is the mother-in-law and accused No.4 is the brother-in-law. The 2<sup>nd</sup> respondent/complainant and accused No.1 get married on 25-08-2017. The couple then relocated to the United States of America, where accused No.1 was gainfully employed. For nearly 6 years, the matrimonial life unfolded overseas, culminating in the birth of a child. It is only in January 2023 that the complainant returns to India and thereafter, seeks to set the criminal law into motion, by registering a complaint for offences punishable under Sections 498A, 504 r/w 34 of the IPC, not only against her husband but also against the father-in-law, mother-in-law and brother-in-law. On the complaint, the Police register a crime in Crime No.90 of 2024 for the afore-quoted offences, including offences under Sections 3 and 4 of the Act. On registration of crime, the petitioners are before this Court in the subject petition.

3. Heard Sri Syed Khaleel Pasha, learned counsel appearing for the petitioners; Sri B.N. Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1, Sri Naveed

Ahmed, learned counsel appearing for respondent No.2 and Sri H. Shanthi Bhushan, learned Deputy Solicitor General of India appearing for respondent No.3.

4. The learned counsel appearing for the petitioners would vehemently contend that accused No.1 and the complainant lived in United States of America. They had some misunderstanding or minor problems that would happen in a marriage. The complainant comes back to India in January 2023 and then alleges that the husband and other members of the family have harassed her over telephone. He would submit that if this is permitted to continue, it would become a classic illustration of abuse of Section 498A of the IPC. The learned counsel would further submit that on registration of crime a look out circular was also issued against the 1<sup>st</sup> petitioner which had stopped him from moving beyond the shores of the nation. All this, the learned counsel would submit, is an abuse of the process of law.

5. Per contra, the learned counsel Sri Naveed Ahmed appearing for the 2<sup>nd</sup> respondent/complainant would refute the

submissions in contending that the harassment by the husband or the in-laws is clearly brought out in the complaint. Investigation, at least, must be permitted to be continued. The moment crime is registered, the petitioners have approached this Court and this Court has granted an interim order of stay. Against the in-laws, he would submit that it may not meet the ingredients of offences. But, against the husband it clearly meets and, therefore, the proceedings must be permitted to continue against the husband in the least. He would seek dismissal of the petition.

6. The learned Additional State Public Prosecutor Sri B.N. Jagadeesha would also seek dismissal of the petition on the sole score that investigation in the least is a must.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The facts, in their broad outline, are not in dispute. The marriage between the 1<sup>st</sup> petitioner and the complainant takes

place on 25-08-2017. The 1<sup>st</sup> petitioner who was already working in the United States of America takes his wife and continues to stay in the United States of America. Several incidents have happened in United States of America, due to which the wife comes back to India in January 2023, 6 years after the marriage and two children being born from the wedlock. She registered a complaint in the year 2024. The complaint ranges incidents from 2017 to 2024 most of which have happened in the United States of America. Since the entire issue has triggered from the complaint, I deem it appropriate to notice the complaint in its entirety.

**THE COMPLAINT:**

"To,

The Station House Officer  
Basvangudi Womens Police Station,  
Basvangudi, Bengaluru

Respected Sir,

Subject: Complaint against my husband and in laws regarding dowry harassment, domestic violence and mental torture, physical and economical abuse wrongful confinement etc.,

- 1) MR Abuzar Ahmed - 9036713643
- 2) MR Soud Ahmed - 9880172674
- 3). Mrs. Marzia Soud - 9900763776

## 4) MR Faizan Ahmed - 9810957535

All residing at # 103, 1<sup>st</sup> Floor SS Meridian dreams # 27 Alfred street Richmond Town, Bangalore, Karnataka India - 560025

1. With reference to the above subject I would like to lodge this complaint against the persons named above with regard to harassment, domestic violence and mental torture.
2. I got a marriage proposal through a marriage Broker. Mr. Abuzar Ahmed along with his family came to my house and accepted me as the bride. Mr. Abuzar Ahmed is a qualified engineer working in San Antonio Texas USA.
3. The marriage date was fixed on 25 August 2017 While the marriage preparations were going on my mother in law wanted all the Jewellery according to her taste hence she has made my parents to give altogether 900 Grams of 24 carat gold Jewelleries as Dowry at the time of marriage.
4. The marriage took place on the 25<sup>th</sup> August 2017 at SHAMS convention center. The marriage was registered on the 5<sup>th</sup> September 2017. I left with my husband Mr. Abuzar Ahmed to San Antonio Texas on the 16<sup>th</sup> September 2017. That I started my marital life with my husband Mr. Abuzer Ahmed in San Antonio Texas. I was forced and asked to complete all the house chores everyday. I was told by my husband Mr. Abuzer Ahmed that this marriage is going to work ONLY if I do all the Cooking and cleaning and call my mother in law who was in India everyday I was being judged and criticized for my cooking and cleaning they used to taunt me and torture me for same. I had no proper winter apparel for the very cold winter and Mr. Abuzer Ahmed taunted told me, my parents should have given all clothes before the wedding.
5. In the month of March 2018 I had a very severe Fungal Infection my husband did took me to doctor for treatment, instead Mr. Abuzar Ahmed called my father in

India and told him; **I am sending your daughter you to India and you bear all the expenses of her treatment.**"

6. I was sent to India in the month of October 2018 after 8 months of tolerating the Infection. I was subjected to mental harassment and torture and abuse from my husband and in laws.
7. I was constantly called out for not bearing children by Mrs Marzia Soud my mother in law, she abused me and tortured me mentally. My mother in law Marzia Saud taunted me saying; **"I have a lot of male hormones in my body and I cannot bear children".**
8. My husband and I left for Texas USA after about 2 months in India. I was called out every other day for doing Cooking and clearing. I was told I was not doing enough. I was told I should not talk to my parents on phone and Instead speared time cooking and cleaning. Because my parents didn't wish Mr Abazar Ahmed on his birthday, I was told I should stop talking to my parents. I was constantly told by my mother in law that my parents should present my husband with gifts every few days. The Internet and my phone was cut-off for a month so I couldn't talk to my family, because my husband was angry that my parents didn't wish him on his birthday.
9. I was pregnant with my first child and my mother in law wanted my parents to go to the USA for helping me with delivery which was due on may 2020. My Parents got the USA visa in February 2020 and planned to travel to the USA in the month of May. But covid hit in the month of March my parents couldn't come. I was mentally tortured that my parents could not make it for the delivery. My husband wanted my parent to travel to the USA inspite of the lockdown and Quarantine. Just 2 days before of my first delivery as I did not fold the laundry My husband manhandled me aggressively and I was dragged from one room to the other.
10. **I had to deliver the next day because my blood pressure was high and the doctor thought it was**

**not safe for me to go back home. After the delivery my husband Mr Abazar Ahmed didn't want me to eat French fries and rice and meat because I would put on weight. After a few months my daughter and I had gone out for our clothes and when I asked my husband to get us new stuff he denied and my mother in law told me on call that I should ask my father who was in India to send me all of the new clothes I needed. My husband and in laws have denied our basic needs I had to beg for every thing which a woman requires. I called My father; my father managed to send me a courses of the clothes all the way from India to the USA. Because I asked Mr Abuzar to buy me clothes, he didn't want to talk to me and gave me torture for 2 months which was very mentally exhausting and draining.**

11. **In 2021 Mr Abuzer and I came to India and I was pregnant with my 2<sup>nd</sup> child. My mother in law didn't wanted me to have the second child because she thought I was not capable of managing 2 kids. She insisted should get an abortion or I stay in India without my husband for the rest of my life. Then she came to a conclusion that my mother and I go back to the USA to deliver my second child. My mother stayed with me for three months for the delivery of my son. After she left Mr Abusar constantly fought with me and mentally pressured me to manage the Kids and cooking cleaning everything, I was treated like a made (servant). I was pressured to do everything (all the chores) everyday It was mentally and physically torture for me to manage the house and the kids. In July of 2022 My husband along with kids and I came to India, I was told to stay at my parents house for 2 weeks so that my mother in law and Mr Abusar would go on vacation to Turkey, they didn't want me and the kids to join them. As soon as they came back from Turkey trip, my mother was ill and was admitted to the hospital. my husband along with his mother father and brother came to my house to jayanagar and verbally abused me and my parents. My mother in law Father in law and Brother in law**

**all saw Mr Abuzar verbally abuse me but did nothing about it and my Brother in law MR Faizan Ahmed wanted me to say that & I was at fault and his mother was right. I was verbally abused by Mr Abusar and he even tried to come and physically charge at me but his mother stopped him. Abusar wanted me to stay back in India after this Incident. MR. Faizan Ahmed has also ill treated from the beginning, Everytime Abuzar and I had disagreement my brother in law has told his mother to send me back to my parents house and dissolve the marriage. He has even questioned mand showed his disliking towards my daughter having milk when she was just a few months old. He has always questioned my dressing style.**

12. My husband tortured me like anything and he wanted me to dress up according to his mother's liking and sister liking. In the month of Sep 2022 Mr. Abuzar and I along with the kids returned to the USA. In the month of December 2022, MR Abusar wanted to go to India for visa stamping so he left me and kids back in the USA alone without food and care for 3 weeks. After he came to India he tried to avoid my calls because he went out for vacation with his mother and brothers family. My daughter stuck a pice & candy in her nose I called Abusar, he was on vacation with his family to Mumbai and didn't want me to know. He didn't want to Inform me about his vacation He came back to the USA after 3 weeks and didn't want to talk to me and the kids. The next day he started verbally abusing me because he didn't find the plates in the kitchen. He wanted me to leave the house that very minute. I have no family or friends there in the USA and I was financially dependant on him. He booked a flight for the kids and me in a few days and asked me to go back to India. I flew down to India with the kids who were not feeling well, they had cold and fevers, they were not even taken to the see the doctor. MR Abuzar had taken down all the locks from the luggage and told I should travel without locks to my bags. So that i should face customs interrogations.

13. I am in India since January 2023 for the past year and a half. He is not receiving my calls and every time he received my call he verbally abuses me and my father. He dosent even want to talk to the kids. After I was sent back to India in Jan 2023, he called his parents and Brother's family to the USA, I feel like all this was planned by them so that they could come and stay in the USA and MR Abuzar could avoid expenses on me and the kids and instead spend on his parents and brother family. In the No may 2024, Abuzas has come down to India Bangalore.
14. I tried to call him, he is not receiving my calls I even went to my in laws house on 05-06-2024 at about 7 Pm so I could talk to him but my brother in law did not let me enter the house by using criminal force against me and pushed me out of the door created fearful situation and asked me to leave and told me that MR Abuzar is not at home I waited outside the hours for A hours but nobody spoke to me. I learnt that my in laws and husband are planning for second marriage for want of handful of dowry amount. My husband is not taking care of me and my children in any manner and committed physical and economical abuse on us.

Therefore I request you to take appropriate legal action against my husband and inlaws and punish them according to law. And I further request you to restore my belongings and Jewellery which was forcefully taken away from me and kept in the locker of my husband by mother in law and other in laws at their house."

(Emphasis added)

**A careful reading of the complaint reveals grievances such as dietary restrictions, expectations regarding attire, allocation of household responsibilities, disagreements over television preferences laced with a statement that the**

**husband treated the complainant/wife as his servant. These allegations even if accepted at face value, portray a portrait of marital discord, but falls woefully short of depicting the statutory cruelty contemplated under Section 498A of the IPC.** The complaint further narrates that the husband stops receiving calls and he is said to have called his brother and parents to go and stay with him in the United States of America. If this is the complaint against the husband and in-laws, it cannot but be held that it is an abuse of the process of law, as minor skirmishes that happens in the family between the husband and the wife are projected to become a crime for offences punishable under Section 498A of the IPC or even under Section 504 IPC. It is shocking as to how without any preliminary inquiry as directed by the Apex Court in the case of **LALITA KUMARI v. STATE OF UTTAR PRADESH** [(2014)2 SCC 1], the complaint is even registered, by the jurisdictional police and above all, the husband is stopped from moving away from the shores of the nation on frivolous allegations on account of issuance of Look Out Circular. It is therefore necessary to notice Section 498A of the IPC.

9. Section 498A of the IPC reads as follows:

**"498-A. Husband or relative of husband of a woman subjecting her to cruelty.**—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

*Explanation.*—For the purposes of this section, "cruelty" means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

**The law does not criminalize incompatibility, nor does it punish imperfect marriages. Section 498A of the IPC is not a panacea for all matrimonial ills. It is a targeted provision meant to address grave cruelty, conduct so wilful and pernicious so as to imperil life, limb or mental health or even harassment tethered to unlawful demands of dowry. This is the purport of the provision - 498A.** The complaint quoted *supra* is conspicuously bereft of such particulars. **There is neither an allegation of demand of dowry nor any conduct of such**

**severity as would shock the conscience or satisfy the statutory threshold.** In the light of the aforesaid narration in the complaint, I deem it apposite to notice the judicial landscape on the issue.

#### **JUDICIAL LANDSCAPE:**

10. The Apex Court in the case of **SHOBHIT KUMAR MITTAL v. STATE OF UTTAR PRADESH**<sup>1</sup>, has held as follows:

".... .... ....

**15.** Similarly, an offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b) therein. The first limb of clause (a) of the Explanation to Section 498A of the IPC states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation to Section 498A of the IPC states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation to Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

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<sup>1</sup> **2025 SCC OnLine SC 2059**

**16.** Further, Section 3 of the Dowry Act deals with the penalty for giving or taking dowry. It states that any person who gives, takes, or abets the giving or taking of dowry shall face a punishment of imprisonment for a minimum term of five years and a fine not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the Dowry Act talks about the penalty for demanding dowry. It states that any person demanding dowry directly or indirectly from the parents or other relatives or guardians of a bride or bridegroom, as the case may be, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

**17.** The issue for consideration is whether, given the facts and circumstances of the present case and after examining the FIR, the High Court was right in refusing to quash the criminal proceedings arising out of FIR No. 347 of 2023 dated 09.11.2023 under Section 323 and 498A of the IPC and Sections 3 and 4 of the Dowry Act, as against the appellant herein.

**18.** A bare perusal of the FIR shows that the allegations made by complainant/respondent No. 2 are vague and omnibus. Other than claiming that the husband and his family along with the accused/appellant herein mentally harassed her with a demand for dowry, the complainant/respondent No. 2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the FIR lacks concrete and precise allegations. Furthermore, the complainant/respondent No. 2 has failed to impress the Court as to how the alleged harassment has any proximate relationship to the said injury and nerve damage that she sustained, so as to punish her in-laws under Section 323 IPC. There is no remote or proximate act or omission attributed to the accused/appellant that implicates him or assigns him any specific role in the said FIR for the offence of hurt as defined under Section 319 IPC. Furthermore, merely stating that the accused/appellant has mentally harassed the complainant/respondent No. 2 with respect to a demand for dowry does not fulfill the ingredients of Section 498A of IPC specially in absence of any cogent material

or evidence on record to substantiate the said allegations. The term "cruelty" cannot be established without specific instances. The tendency of invoking the aforesaid provisions, without mentioning any specific detail, weakens the case of the prosecution and casts serious aspersions on the probability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in the FIR which is the basic premise for invoking the criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to initiate criminal proceedings against them. Therefore, mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person.

**19.** Courts have to be careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial disputes where the allegations have to be scrutinized with great care and circumspection in order to prevent miscarriage of justice and abuse of process of law.

**20.** In this regard, it would be apposite to rely on the judgment of this Court in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("Bhajan Lal") with particular reference to paragraph 102 therein, wherein this Court observed as hereunder:

"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 give 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 channelised 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 uncontested 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.** On a careful consideration of the aforementioned judicial tests, we find that none of the offences alleged against the accused/appellant herein is made out. In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused/appellant herein are vague and general in nature and therefore, the judgment of this Court in the case of *Bhajan Lal* squarely applies to the facts of this case. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR to continue.

**22.** Furthermore, at this juncture, we find it appropriate to quote the observations of this Court in *Dara Lakshmi Narayana v. State of Bihar*, (2025) 3 SCC 735 wherein it was observed:

"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. We say so for the reason that while the complainant/respondent No. 2 has made vague and omnibus allegations against the accused/appellant herein, she has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

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30. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise Page 22 of 26 in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear *prima facie* case against them.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

The Apex Court holds that the provision of Section 498A of the IPC has been misused by the complainant without there being any

rhyme or reason, and therefore, such cases must be nipped in the bud. The aforesaid judgment is rendered by the Apex Court *qua* in-laws being brought under the web of crime, without any rhyme or reason.

11. Insofar as the husband is concerned, the Apex Court in the case of **ABHISHEK v. STATE OF MADHYA PRADESH<sup>2</sup>**, has held as follows:

".... .... ....

**16.** Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *KahkashanKausar v. State of Bihar* [*KahkashanKausar v. State of Bihar*, (2022) 6 SCC 599: (2022) 2 SCC (Cri) 684], this Court had occasion to deal with a similar situation where the High Court had refused [*Mohd. Ikram v. State of Bihar*, 2019 SCC OnLine Pat 1985] to quash an FIR registered for various offences, including Section 498-AIPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498-AIPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was

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<sup>2</sup> 2023 SCC OnLine SC 1083

found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

**17.** In *Preeti Gupta v. State of Jharkhand* [*Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667: (2010) 3 SCC (Cri) 473], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498-A IPC. It was observed that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

**18.** Earlier, in *Neelu Chopra v. Bharti* [*Neelu Chopra v. Bharti*, (2009) 10 SCC 184 : (2010) 1 SCC (Cri) 286], this Court observed that the 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.

**19.** Of more recent origin is the decision of this Court in *Mahmood Ali v. State of U.P.* [*Mahmood Ali v. State of U.P.*, (2023) 15 SCC 488] on the legal principles applicable apropos Section 482CrPC. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into

the FIR with care and a little more closely. It was further observed that it will not be enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

**27.** Given the totality of the facts and circumstances, we are of the considered opinion that Bhawna's allegations against the appellants, such as they are, are wholly insufficient and, *prima facie*, do not make out a case against them. Further, they are so farfetched and improbable that no prudent person can conclude that there are sufficient grounds to proceed against them. In effect, the case on hand falls squarely in Categories (1) and (5) set out in *Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]* . Permitting the criminal process to go on against the appellants in such a situation would, therefore, result in clear and patent injustice. This was a fit case for the High Court to exercise its inherent power under Section 482 CrPC to quash the FIR and the consequential proceedings."

12. The Apex Court later, in the case of **ACHIN GUPTA v.**

**STATE OF HARYANA**<sup>3</sup> has held as follows:

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**32.** Many times, the parents including the close relatives of the wife make a mountain out of a molehill. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife,

<sup>3</sup> 2024 SCC OnLine SC 759

her parents and her relatives is the police, as if the police is the panacea of all evil. No sooner the matter reaches up to the police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hypersensitive approach would prove to be disastrous for the very institution of the marriage. In matrimonial disputes the main sufferers are the children. The spouses fight with such venom in their heart that they do not think even for a second that if the marriage would come to an end, then what will be the effect on their children. Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The police machinery cannot be utilised for the purpose of holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498-AIPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.

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**35.** In one of the recent pronouncements of this Court in *Mahmood Ali v. State of U.P.* [*Mahmood Ali v. State of U.P.*,

(2023) 15 SCC 488], authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482CrPC was examined. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

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**38.** In the aforesaid context, we looked into Sections 85 and 86, respectively, of the Bharatiya Nyaya Sanhita, 2023, which is to come into force with effect from 1-7-2024 so as to ascertain whether the legislature has seriously looked into the suggestions of this Court as made in *Preeti Gupta* [*Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667: (2010) 3 SCC (Cri) 473].

**39.** Sections 85 and 86, respectively, are reproduced hereinbelow:

**"85. Husband or relative of husband of a woman subjecting her to cruelty."**—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

**86. Cruelty defined.**—For the purposes of Section 85, "cruelty" means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to

cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

**40.** The aforesaid is nothing but verbatim reproduction of Section 498-AIPC. The only difference is that the Explanation to Section 498-AIPC, is now by way of a separate provision i.e. Section 86 of the Bharatiya Nyaya Sanhita, 2023.

**41.** We request the legislature to look into the issue as highlighted above taking into consideration the pragmatic realities and consider making necessary changes in Sections 85 and 86, respectively, of the Bharatiya Nyaya Sanhita, 2023, before both the new provisions come into force.

**42.** In the result, the appeal succeeds and is hereby allowed. The impugned judgment and order [*Achin Gupta v. State of Haryana*, 2022 SCC OnLine P&H 3054] passed by the High Court is hereby set aside. The proceedings of CHI/1856/2021 arising from FIR No. 95 of 2021 dated 9-4-2021, pending in the Court of Judicial Magistrate, First Class, Hisar are hereby quashed."

The Apex Court in the case of **ABHISHEK** *supra* holds that minor skirmishes between the husband and the wife cannot be projected to become a crime under Section 498-A of the IPC. Likewise, the Apex Court in the case of **ACHIN GUPTA** *supra* laments about repeated abuse of the provision i.e., Section 498-A of the IPC and also suggests making some changes in the BNS owing to such

abuse. The present case forms, as observed hereinabove, a classic illustration of the said abuse. The Apex Court, in such cases, holds that the offence should be nipped in the bud by interfering under Section 482 of the Cr.P.C.

13. The Apex Court in the case of **BELIDE SWAGATH KUMAR v. STATE OF TELANGANA<sup>4</sup>**, has held as follows:

"..... .... ....

**18.** Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

**"498A. Husband or relative of husband of a woman subjecting her to cruelty.—** Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, "cruelty" means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or

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<sup>4</sup>2025 SCC OnLine SC 2890

is on account of failure by her or any person related to her to meet such demand."

**19.** Further, Sections 3 and 4 of the DP Act talk about the penalty for giving or taking or demanding a dowry.

**"3. Penalty for giving or taking dowry.—** (1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to,—

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

**4. Penalty for demanding dowry.**— If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."

**20. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.**

**21. Further, Section 3 of the DP Act deals with the penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the DP Act talks of penalty for demanding dowry. It states that any person**

**demanding dowry directly or indirectly, from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.**

**22.** The issue for consideration is whether, given the facts and circumstances of the case and after examining the FIR and the Complaint Case, the High Court was correct in refusing to quash the ongoing criminal proceedings against the appellants arising out of FIR No. 29 of 2022 dated 27.01.2022 and the Complaint Case No. 1067 of 2022 under Section 498A of the IPC and Sections 3 and 4 of the DP Act.

**23.** Courts have to be extremely careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial cases where the allegations have to be scrutinized with greater care and circumspection in order to prevent miscarriage of justice and abuse of process of law. The allegations put forth by the complainant-respondent No. 2 have been considered by us. In our view, they reflect the daily wear and tear of marriage and can, in no way, be categorised as cruelty. The act of the accused-appellant of sending money back to his family members cannot be misconstrued in a way that leads to a criminal prosecution. The allegation that the accused-appellant forced the complainant-respondent No. 2 to maintain an excel sheet of all the expenses, even if taken on the face value, cannot come under the definition of cruelty. The monetary and financial dominance of the accused-appellant, as alleged by the complainant-respondent No. 2, cannot qualify as an instance of cruelty, especially in the absence of any tangible mental or physical harm caused. The said situation is a mirror reflection of the Indian society where men of the households often try to dominate and take charge of the finances of the women but criminal litigation cannot become a gateway or a tool to settle scores and pursue personal vendettas. Furthermore, the other allegations of the complainant-respondent No. 2 such as lack of care on the part of the husband-the accused-appellant during

**pregnancy and postpartum and constant taunts about her after-birth weight, if accepted *prima facie*, at best reflect poorly upon the character of the accused-appellant but the same cannot amount to cruelty so as to make him suffer through the process of litigation.**

**24.** A bare perusal of the FIR shows that the allegations made by the complainant-respondent No. 2 are vague and omnibus. Other than claiming that the husband and his family along with the accused-appellant herein mentally harassed her with a demand of dowry, the complainant-respondent No. 2 has not provided any specific details or described any particular instance of harassment. Although she has alleged that an amount totalling to Rupees One Crore was demanded by the accused-appellant and his family members, the complainant-respondent No. 2 has failed to put forth any evidence or material on record to elaborate or substantiate the same. **Furthermore, the complainant-respondent No. 2 has failed to impress the court as to how the said alleged harassment has caused her any injury, mental or physical. There has been no remote or proximate act or omission attributed to the accused-appellant that implicates him or assigns him any specific role in the said FIR for the offence of 498A of the IPC.** Merely stating that the accused-appellant has mentally harassed the complainant-respondent No. 2 with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC especially in the face of absence of any cogent material or evidence on record to substantiate the said allegations. The term "cruelty" cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in an FIR which is the premise of invoking criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore mere general

**allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings.**

**25.** In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("Bhajan Lal") with particular reference to paragraph 102 therein, where this Court observed:

**"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 channelised 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."**

**26.** On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the accused-appellant herein is made out. **In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused-appellant herein have been made with a *mala-fide* intent with vague and general allegations and therefore, the judgment of this Court in the case of *Bhajan Lal* and particularly sub-paragraphs (1) and (7) of paragraph 102, extracted above, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and consequent Complaint Case No. 1067 of 2022 to continue.**

**27.** Furthermore, at this juncture, we find it appropriate to quote the judgment of this Court in *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 wherein it was observed:

**"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.** In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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**30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken**

**to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear *prima facie* case against them.**

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498-A IPC is lodged by the latter. **In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.”**

(Emphasis supplied)

14. The Apex Court in the case of **MARAM NIRMALA v. STATE OF TELANGANA<sup>5</sup>**, has held as follows:

“..... .... ....

**12.** The appellant(s) herein are the mother-in-law and father- in-law of respondent No. 2. They had filed a petition under Section 482 of the CrPC seeking quashing of the proceedings instituted against them in C.C. No. 338/2023 pending on the file of the Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda alleging offences punishable under Sections 498-A, 323, 504 read with Section 34 of the IPC and Sections 3 and 4 of the DP Act.

**13.** By the impugned order, the said criminal petition has been disposed of reserving liberty to the appellant(s) herein to seek discharge in accordance with law. Hence, this appeal.

**14. The case at hand pertains to allegations of cruelty and dowry demand made by the respondent No. 2 against the appellant(s) herein. A bare perusal of the FIR however, shows that the allegations made by respondent No. 2 are vague and omnibus inasmuch as there is an absence of any specific instance or occasion detailed with particulars wherein the appellant(s) demanded dowry from respondent No. 2 and on refusal of the same, subjected her to mental and physical cruelty. The only allegations levelled by respondent No. 2 against the appellants herein are that subsequent to the birth of her daughter, the conduct of her husband underwent a change, which is stated to have been on account of the alleged inducement exercised by the in-laws including the appellant(s) herein for the purpose of demanding additional dowry and that pursuant to the counselling conducted at the Women Police Station, Nalgonda, although the husband of respondent No. 2 and his family assured that she would be treated properly, they nevertheless continued to subject respondent No. 2 to mental and physical cruelty.**

**15.** We therefore find that the aforesaid allegations levelled against the appellant(s), even if taken at their face value, do not *prima facie* disclose the commission of the alleged offences so as to warrant the initiation of criminal proceedings.

**16.** During the course of submissions, learned counsel for the appellant(s) brought to our notice the judgment of this Court in the case of *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 ("Dara Lakshmi Narayana") as well as other judgments which squarely apply to this case. We have perused the same.

**17.** This Court speaking through one of us (B.V. Nagarathna, J.) in *Dara Lakshmi Narayana*, while dealing with the issue of quashing of criminal proceedings instituted by the respondent wife therein against her husband and in-laws who were charged with offences punishable under Sections 498A of

the IPC and Sections 3 and 4 of the DP Act, 1961, held as follows:

**"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.** In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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**30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-AIPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this**

**Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear *prima facie* case against them.**

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31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498-A IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

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34. We, therefore, are of the opinion that the impugned FIR No. 82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal scores and grudges against Appellant 1 and his family members i.e. Appellants 2 to 6 herein. Hence, the present case at hand falls within Category (7) of illustrative parameters highlighted in *Bhajan Lal* [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

(underlining by us)

**18.** Having regard to the facts and circumstances of this case, we find that the judgment of this Court in *Dara Lakshmi Narayana* would apply. Hence, the impugned order of the High Court is set aside. The proceedings instituted against the appellant(s) in C.C. No. 338/2023 pending on the file of the

Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda stand quashed in relation to the appellants herein."

(Emphasis supplied)

15. The Apex Court in the case of **GHANSHYAM SONI v. STATE (GOVT. OF NCT OF DELHI)**<sup>6</sup>, has held as follows:

"..... .... ....

**10.** A perusal of the FIR shows that the allegations made by the complainant are that in the year 1999, the Appellant inflicted mental and physical cruelty upon her for bringing insufficient dowry. **The Complainant refers to few instances of such atrocities, however the allegations are generic, and rather ambiguous. The allegations against the family members, who have been unfortunately roped in, is that they used to instigate the Appellant husband to harass the Complainant wife, and taunted the Complainant for not bringing enough dowry; however, there is no specific incident of harassment or any evidence to that effect.** Similarly, the allegations against the five out of six sisters that they used to insult the Complainant and demanded dowry articles from her, and upon failure beat her up, but there is not even a cursory mention of the incident. An allegation has also been made against a tailor named Bhagwat that he being a friend of the Appellant instigated him against the Complainant, and was allegedly instrumental in blowing his greed. **Such allegations are merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired. For this reason alone, and that the evidence on record is clearly inconsistent with the accusations, the version of the Complainant seems implausible and unreliable.** The following observation in *K. Subba Rao v. State of Telangana Represented by Its Secretary, Department of Home*, fits perfectly to the present scenario:

*"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. As regards the Appellant, the purportedly specific allegations levelled against him are also obscure in nature. Even if the allegations and the case of the prosecution is taken at its face value, apart from the bald allegations without any specifics of time, date or place, there is no incriminating material found by the prosecution or rather produced by the complainant to substantiate the ingredients of "cruelty" under section 498A IPC, as recently observed in the case of *JaydedeepsinhPravinsinh Chavda v. State of Gujarat* and *Rajesh Chaddha v. State of Uttar Pradesh*. The Complainant has admittedly failed to produce any medical records or injury reports, x-ray reports, or any witnesses to substantiate her allegations.** We cannot ignore the fact that the Complainant even withdrew her second Complaint dt. 06.12.1999 six days later on 12.12.1999. **There is also no evidence to substantiate the purported demand for dowry allegedly made by the Appellant or his family and the investigative agencies in their own prudence have not added sections 3 & 4 of the Dowry Prohibition Act, 1961 to the chargesheet.**

**12.** In this respect, the Sessions Court has applied its judicial mind to the allegations in the FIR & the material on record, and has rightly discharged the Appellants of the offences under section 498A & 34 IPC. Notwithstanding the said observation by the Sessions Court that the possibility of false implication cannot be ruled out, the discharge of the Appellant merely because the Complainant is a police officer is erroneous and reflects poorly on the judicial decision making, which must be strictly based on application of judicial principles to the merits of the case. On the other hand, the High Court vide the Impugned Order has traversed one step further and overtly emphasised that simply because the Complainant is a police officer, it cannot be assumed that she could not have been a victim of cruelty at the hands of her husband and in-laws. We

agree with the sensitive approach adopted by the High Court in adjudicating the present case, however a judicial decision cannot be blurred to the actual facts and circumstances of a case. In this debate, it is only reasonable to re-iterate that the Sessions Court in exercise of its revisionary jurisdiction and the High Court in exercise of its inherent jurisdiction under section 482 CrPC, must delve into the material on record to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted *in toto*. In the present case, such scrutiny of the allegations in the FIR and the material on record reveals that no *prima facie* is made out against the Appellant or his family. It is also borne from the record that the divorce decree of their marriage, has already been passed, and the same has never been challenged by the Complainant wife, and hence has attained finality. Upon consideration of the relevant circumstances and that the alleged incidents pertain to the year 1999 and since then the parties have moved on with their respective lives, it would be unjust and unfair if the Appellants are forced to go through the tribulations of a trial.

**13.** It is rather unfortunate that the Complainant being an officer of the State has initiated criminal machinery in such a manner, where the aged parents-in-law, five sisters and one tailor have been arrayed as an accused. **Notwithstanding the possibility of truth behind the allegations of cruelty, this growing tendency to misuse legal provisions has time and again been condemned by this Court. The observations in *Dara Lakshmi Narayana v. State of Telangana, Preeti Gupta v. State of Jharkhand* aptly captures this concern.”**

(Emphasis supplied)

16. The Apex Court in the case of **RAJESH CHADDHA v. STATE OF UTTAR PRADESH<sup>7</sup>**, has held as follows:

“..... .... ....

**7.** Having heard the learned counsel for the respective parties and having perused the record, the question remains whether the High Court vide Impugned Order dt. 14.11.2018 whilst exercising its revisionary jurisdiction, was correct in upholding the conviction of the Appellant under Section 498A IPC & Section 4 D.P. Act, 1961. In that respect, it is prudent to examine the statutory provisions, which are as under:

**"498A. Husband or relative of husband of a woman subjecting her to cruelty.—** Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. *Explanation.—* For the purpose of this section, "cruelty" means— (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

**3. Penalty for giving or taking dowry.—** (1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years. (2) Nothing in subsection (1) shall apply to, or in relation to,— (a) presents which are given at the time of a marriage to the bride without any demand having been made in that behalf : Page 12 of 26 Provided that such presents are entered in a list maintained in accordance with the rules made under this Act; (b) presents which are given at the time of a marriage to the bridegroom without any demand having been made in that behalf : Provided that such presents are entered in a list maintained in accordance with the rules made under this Act : Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such

*presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.*

**4. Penalty for demanding dowry.**— *If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees : Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.”*

**8. At the outset, an act of 'cruelty' for the purpose of Section 498A, corresponds to a willful conduct of such nature, that may cause danger to the life, limb and health of the woman, which is inclusive of the mental and physical health and the harassment caused to her, by coercing her to meet unlawful demands or impossible standards. Further, the demand for dowry in terms of Section 3 and Section 4 of the D.P. Act, 1961 refers to both a direct or indirect manner of demand for dowry made by the husband or his family members. In order to meet the threshold of the offences under Section 498A IPC & Sections 3 & 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air.**

**9. In the present case, the allegations made by the Complainant are vague, omnibus and bereft of any material particulars to substantiate this threshold. Apart from claiming that Appellant husband harassed her for want of dowry, the Complainant has not given any specific details or described any particular instance of harassment. The allegations in the FIR, and the depositions of the prosecution witnesses suggest that on multiple occasions, the Complainant wife was ousted from the matrimonial house, and kicked and punched in the presence of her father, PW-2 herein and she was repeatedly tormented with dowry demands, and when she was unable to honor them, the Appellant and her family physically beat her up; whereas she has not**

**mentioned the time, date, place, or manner in which the alleged harassment occurred. It is alleged that the Complainant suffered a miscarriage, as she fell down, when the Appellant and her family who pushed her out of the house; however, no medical document from any medical institution or hospital or nursery was produced to substantiate the allegations.**

**10.** Upon carefully considering the record, we find that apart from the statements of PW-1 and PW-2, there is no evidence to substantiate the allegations of harassment and acts of cruelty within the scope of Section 498A of IPC, and Section 4 of the D.P. Act, 1961. For this reason, we find merit in the submission of the learned Counsel for the Appellant, and are of the considered view that there is no material on record to establish the allegations of hurt or miscarriage, and of hurt and criminal intimidation in terms of Section 323 r/w 34 and Section 506 IPC respectively. The Trial Court has rightly held that evidence of the Complainant is the only strong evidence that she sustained injuries on various parts of her body due to the physical assault by the accused persons, and that there was no medical examination conducted by the Complainant, so as to prove that the miscarriage was a consequence of the physical assault.

**11.** The Trial Court has indeed applied its judicial mind to the material on record whilst acquitting the Appellant and the co-accused parents-in-law for offences under Section 323 r/w 34 & Section 506 IPC. However, it appears that the Trial Court had passed the order of conviction of the Appellant under Section 498A IPC & Section 4 of the D.P. Act, 1961, merely on the possibility that the allegations and the depositions of the PW-1 corroborated by PW2, are true and correct. **Although one cannot deny the emotional or mental torture that the Complainant may have undergone in the marriage, however a cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act, 1961, especially to obviate malicious criminal prosecution of family members in matrimonial disputes.** In this respect, we also cannot ignore that the FIR dt. 20.12.1999 was registered after the Appellant had filed the Divorce Petition under Section 13 of Hindu Marriage Act, 1955 on 06.02.1999. In

consideration thereof and that the Complainant had cohabited with the Appellant only for a period of about a year, it appears that the FIR registered by the Complainant was not genuine.

**12.** In respect thereof, the High Court while exercising its revisionary jurisdiction ought to have examined the correctness of decision of the Trial Court in light of the material on record, which reveals nothing incriminatory against the Appellant to sustain a conviction under Section 498A IPC or Section 4 of the D.P. Act, 1961. Although we do not agree with the submission on behalf of the Appellant that the Impugned Order dt. 14.11.2018 was passed *in absentia*, however the High Court was well within its revisionary powers to discern whether an FIR and the proceedings emanating therefrom were sustainable. In all certainty, it could have saved 6 years' worth of time for the Appellant, who has endured litigation for over 20 years as of today.

**13. Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of *Dara Lakshmi Narayana v. State of Telangana* appropriately encapsulates this essence as under:**

**"25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal**

*prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos. 2 to 6, who are the members of the family of appellant No. 1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent No. 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them."*

14. The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the Appellant will only tantamount to an abuse of process of law."

(Emphasis supplied)

17. The Apex Court in the case of **KAMAL v. STATE OF GUJARAT<sup>8</sup>**, has held as follows:

"..... .... ....

10. A perusal of the impugned FIR would disclose that the complainant at the time of lodging the FIR had been living with her own parents. The allegations are that initially, after marriage, there were no issues. Later,

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<sup>8</sup>2025 SCC OnLine SC 1726

**when parents in law started living with her husband, she had to suffer taunts at their end on trivial issues. When she complained about this to her husband, he sided with his parents and even assaulted the complainant.** It is alleged that she informed her parents and uncle about this, who counselled her to have patience in the interest of the family. FIR also discloses that since 2008 she is having a job. Initially with Ugam Solutions and, later, as a lecturer for nine years. She admits of having stayed at different places in rented accommodation post her marriage. However, she alleges that she used to hand over her salary to her father-in-law who used to deprive her of her money. Besides that, she alleges of her husband having an affair with his business partner for the last two years and because of that he had been constantly torturing her, both physically and mentally, to end the relationship and with that motive divorce petition has been filed.

**11. What is important, for the purposes of deciding this case, is that in the FIR there is no specific allegation of demand of dowry by the accused. Further, the allegation of harassment of the complainant at the instance of the parents in law is limited to extending taunts and custody related issues of minor children. However, there is no disclosure about the nature of those taunts. Admittedly, the second respondent was married to the first appellant in the year 2005 and for last several years since before lodging the FIR, the complainant had been working and staying in rented accommodations at different places. Besides that, the FIR was lodged on 20.07.2019, just three days after service of summons of the divorce proceedings initiated by the first appellant. In these circumstances, we will have to consider whether the impugned proceedings are vexatious and mala fide, particularly in the context of a matrimonial dispute where time and again Courts have been cautioned to be circumspect to obviate malicious prosecution of family members of the main accused.**

**12. Even if we assume that there are some allegations of assault and of physical and mental torture of the complainant, but they are against the husband. As against the parents in law, the allegations are only of extending taunts and of not parting with the money for**

**managing household expenses. Specific details in respect of those taunts have not been disclosed. Moreover, a few taunts here and there is a part of everyday life which for happiness of the family are usually ignored. Interestingly, as per own allegations in the FIR, the complainant admits that when she reported those issues to her parents and uncle, she was counselled to bear patience. In the circumstances, in our considered view, no case to proceed against the parents in law, namely, the second and third appellant is made out. In so far as the first appellant is concerned, there are allegations of physical and mental torture of the complainant at his behest. Consequently, the case may proceed *qua* the first appellant."**

(Emphasis supplied)

**Judicial precedent speaking in consistent and cautionary voice has underscored that criminal law must not be permitted to degenerate into an instrument of oppression or personal vengeance. The inherent powers of this Court under Section 482 of the Cr.P.C./528 of the B NSS exist precisely to prevent such abuse and to secure the ends of justice.**

**18. What is more disquieting is, the indiscriminating roping in of the parents-in-law and brother-in-law, despite their residence in India, while the marital life was largely lived abroad. It is therefore the Apex Court in the aforesaid**

judgments **cautions against this very tendency of transforming a matrimonial dispute into a criminal dragnet ensnaring every member of the husband's family. Such prosecutions founded on vague and omnibus allegations or even the complaints so registered on omnibus allegations, do not advance justice, they in fact corrode it.** The allegations in the case at hand, even at their highest, do not constitute the offence alleged, they are in fact inherently improbable. The continuation of investigation would serve no purpose other than to prolong harassment, stigmatize the petitioners and squander the precious time of criminal Courts. The issuance of a look out circular against the 1<sup>st</sup> petitioner, on allegations so tenuous, would only compound injustice. Therefore, to permit the criminal process to lumber forward would be to allow law to become a weapon rather than a remedy. I thus, deem it appropriate to exercise my jurisdiction under Section 482 of the Cr.P.C. and obliterate the very registration of crime against these petitioners, to prevent it becoming an abuse of the process of the law and resulting in miscarriage of justice.

19. For the aforesaid reasons, the following:

**O R D E R**

- (i) Criminal Petition is allowed.
- (ii) FIR in Crime No.90 of 2024 registered before Basavanagudi Women Police Station and pending before the 37<sup>th</sup> Additional Chief Metropolitan Magistrate Court at Bangalore stands quashed *qua* the petitioners.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

Bkp  
CT:MJ