



2026:DHC:2618



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: March 24, 2026
Pronounced on: March 30, 2026

+ **CRL.M.C. 3211/2022**

SAPNA THAKUR

...Petitioner

Through: Mr. Abhishek Gautam, Mr. Surender Singh and Mr. Aman Phogat, Advocates.

Versus

STATE OF NCT OF DELHI & ANR.

...Respondents

Through: Ms. Meenakshi Dahiya, APP for the State with Ms. Vanshika Singh and Mr. Bhanu Pratap Singh, Advocates. SI-Ankur and ASI-Ravinder Tiwari, PS: Sultan Puri

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 428* of the Code of Criminal Procedure, 1973¹, the sister-in-law of the complainant/ respondent no.2, who is the petitioner herein, seeks quashing of FIR No.842/2021 dated 10.07.2021 registered under *Sections 498A/406/34* of the Indian Penal Code, 1860² at PS: Sultanpur, and all proceedings emanating therefrom.

¹ Hereinafter '*CrPC*'

² Hereinafter '*IPC*'



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2. *Succinctly put*, as per FIR the respondent no.2 got married to the brother of the petitioner on 11.12.2018, whereafter she consistently faced violence as well as demands for dowry from him and his family, including his parents and sister, being the petitioner herein. Further, the said family members deprived her of food, including during her first pregnancy, and then caused a forced miscarriage. Later on, during the lockdown in the year 2020, she was thrown out of her matrimonial home during another pregnancy. Even thereafter, she continued to face constant threats and violence from the said family members. The FIR was accordingly registered and the charge-sheet was subsequently filed. Further, *vide* order dated 15.12.2021, the learned Metropolitan Magistrate, Mahila Court, North-West District, Rohini Courts, Delhi (*learned Trial Court*) took cognizance of the offence and issued summons to the accused persons, including the petitioner herein.

3. Drawing attention of this Court to the FIR, learned counsel for the petitioner submitted that the allegations levelled by the respondent no.2 therein are false and frivolous, and there are no specific allegations against the petitioner, as the entire contents thereof are highly vague and ambiguous in nature. As per the learned counsel, since the demands of respondent no.2 were not met, she left the matrimonial home of her own accord on 09.05.2020, and later lodged the present FIR. Further, all household and personal articles belonging to the respondent no.2 have already been taken away by her and, even otherwise, the petitioner and her brother are ready to return any other articles remaining behind.



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4. Based thereon, the learned counsel submitted that the learned Trial Court took cognizance and summoned the petitioner without any application of mind and upon erroneous application of the law. Relying upon the decision of the Hon'ble Supreme Court in *Dara Lakshmi Narayana & Ors. vs. State of Telangana & Anr.*³ the learned counsel submitted that vague and omnibus allegations against family members of the husband without any specific details are an abuse of process of the law. Neither the statements recorded under *Section 161 CrPC* nor the chargesheet filed by the Police upon investigation reflect anything. As such, there is no reason of continuance of the present FIR against the petitioner, and the same ought to be quashed.

5. Learned APP for State has opposed the present petition primarily on the ground that the offences alleged are serious in nature, as also the petitioner herein has been named in the present FIR. Learned APP submitted that trial is required in the present case, and at this stage, the proceedings against the petitioner ought not to be quashed.

6. This Court has heard learned counsel for the petitioner as also learned APP for State and perused the documents as also Status Report on record.

7. For the sake of clarity, the relevant extract from the translated (English) version of the FIR involved is reproduced as under:-

“... ..I am married on 11.12.2018 with the consent of both the families. Sir, from the beginning of marriage, my husband and in-laws demand more dowry, they beat me behave badly for dowry. Whereas my family members did not allow any kind of

³ 2024 INSC 953



shortcoming in my marriage. Despite this, they do not keep me properly, do not let me eat and drink, they stop everything. At the time of my pregnancy, I was not given proper food and drink for three to four days, due to which I had bleeding, then gave me medicine and got me a miscarriage. If they wanted then my child could have survived but they didn't try. I was bleeding again in April 2020, at that time too I was beaten up and thrown out of the house in lockdown. Then I took a phone from a passerby and called my mother and I came to my house with fever. They asked me to leave the house for not fulfilling the demand of dowry. Mother-in-law and sister-in-law make dirty allegations against me. She also say bad things about my family. From whom I have danger to my life. Whose names are mother-in-law Usha Devi, Father-in-law Padam Singh, Husband Sonu Thakur, Sister-in-law Sapna Thakur. Everyone beats up. You only do justice. Where should I go. My marriage has not even been long, I request you to help me.”

8. The said FIR involves Sections 498A/406/34 IPC. Of this, Section 498A IPC deals with cruelty inflicted upon a complainant, like the respondent no.2 herein, which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb of health, particularly for the fulfilment of unlawful demand(s) for property(s) or valuable security(s) by the husband or his relatives. Section 406 IPC deals with criminal breach of trust upon dishonest misappropriation or conversion of entrusted property for one's own use. Considering the drastic changing face of India, the allegations therein are, no doubt, serious in nature. However, every such assertion/ allegation, to be credible, must have some substantive basis, which is practically feasible and significantly



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plausible. Vague, omnibus, general and/ or unspecific assertions/ averments/ statements, especially whence they are against family members of the husband, would not be sufficient to cross the threshold required therein. Time over again, the Hon'ble Supreme Court [*Re.: Priyanka Jaiswal vs. The State of Jharkhand & Ors.*⁴, *Sanjay D. Jain vs. State of Maharashtra*⁵, *Dara Lakshmi Narayana & Ors. (supra)*, *Mange Ram vs. State of Madhya Pradesh & Anr.*⁶] as also various High Courts across India [*Re.: Shashi Arora & Anr. vs. State thr. Commissioner of Police & Ors.*⁷, *Vaibhav Gopaldas Mundada & Ors. vs. State of Maharashtra & Anr.*⁸, *Arunkumar vs. State thr. Inspector of Police, Tiruvallur & Anr.*⁹] have not only emphasized but also recognized the aforesaid.

9. *Section 34* IPC, in such circumstances, especially herein is widely dependent upon what is there in *Section 498A* IPC and/ or *Section 406* IPC.

10. A perusal of the FIR reflects that there are hardly any material assertions as it is without any detail(s) about anything which would come within the periphery of *Section 498A* IPC and/ or *Section 406* IPC, particularly against the petitioner. There is no mention of any particular incident(s), period(s), date(s), time(s), place(s), manner(s), property(s), article(s) or like anywhere in the FIR. Even if the assertions/ allegations

⁴ 2024 INSC 357

⁵ 2025 INSC 1168

⁶ 2025 INSC 962

⁷ 2025:DHC:9642

⁸ 2026:BHC-NAG:2909-DB

⁹ Order dated 30.09.2020 passed by High Court of Judicature at Madras in CRL.O.P.No.4373/2020



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made in the FIR are taken to be true on the face of it, there is nothing which can constitute the necessary ingredients of any of the offences alleged, and the Sections involved.

11. For the ingredients of *Section 498A* IPC to be satisfied, there was to be such conduct on the part of the accused causing grave injury or danger to life, limb or health to the respondent no.2 in the present FIR. Similarly, for the ingredients of *Section 406* IPC to be satisfied, there was to be some fraudulent and/ or dishonest intention from the very beginning on the part of the accused. A perusal of the present FIR reflects that both of them are conspicuously missing in the present FIR.

12. In fact in the charge sheet also, which has been filed by the prosecution after due investigation and recording of statements of the respondent no.2 and other witnesses, there is nothing therein to add some material as it is neither explanatory nor specific. It, alas, can only be said to be a refined version of the FIR.

13. Therefore, in light of what has been held by the Hon'ble Supreme Court in *Priyanka Jaiswal (supra)*, *Sanjay D. Jain (supra)*, *Dara Lakshmi Narayana & Ors. (supra)* and *Mange Ram vs. State of Madhya Pradesh & Anr.*¹⁰, as also by the various High Courts in *Shashi Arora & Anr. (supra)*, *Vaibhav Gopaldas Mundada & Ors. (supra)* and *Arunkumar (supra)* this Court is of the considered view that the contents of the present FIR are lacking in basic, much less, relevant particulars and are thus insufficient to

¹⁰ 2025 INSC 962



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cross the threshold of the provisions of law invoked against the petitioner, and therefore, continuance of the present proceedings against the petitioner would tantamount to abuse of the process of law.

14. In view of the afore-going, this is a fit case for this Court to exercise its extraordinary powers under *Section 482 CrPC* to prevent abuse of the process of law and to secure the ends of justice.

15. Accordingly, the present petition is allowed and FIR No.842/2021 dated 10.07.2021 registered under *Sections 498A/406/34 IPC* at PS: Sultanpur, and all proceedings emanating therefrom, are hereby quashed to the extent of the petitioner herein.

16. The present petition is accordingly disposed of in terms of the above.

SAURABH BANERJEE, J

MARCH 30, 2026

Ab/RS