



***IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VINAY SARAF
ON THE 11th OF MARCH, 2026
MISC. CRIMINAL CASE No. 12666 of 2025
LOKENDRA SINGH RATHORE AND OTHERS
Versus
THE STATE OF MADHYA PRADESH AND OTHERS***

Appearance:

Shri Baboo Ji Chourasia - Advocate for the petitioners.

***Shri Jitendra Shrivastava – Panel Lawyer for the respondent
no.1/State.***

Shri Ashish Kumar Kurmi – Advocate for the respondent no.2.

ORDER

1. Petitioner No.1 Lokendra Rathore is the husband, Petitioner No.2 Om Prakash Rathore is the father-in-law and Petitioner No.3 Smt. Geeta Devi Rathore is the mother-in-law of the complainant/respondent No.2 Smt. Shalini Rathore.
2. At the outset, counsel for the petitioners does not press the petition on behalf of the petitioner no.1 Lokendra Singh Rathore.
3. Consequently, the petition is dismissed *qua* petitioner no.1 Lokendra Rathore.
4. With the consent of parties, arguments heard for the purpose of final disposal.



5. The present petition has been preferred by petitioners under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 R/W section 482 of the Code of Criminal Procedure, 1973 for quashment of criminal proceedings arising out of FIR bearing Crime No.08/2025, registered at Police Station Nowgaon, District Chhatarpur for the offence punishable under Sections 85, 115(2), 296, 351(2), 3(5) of BNS, 2023 and Section 3/4 of Dowry Prohibition Act.

6. Counsel for the petitioners submits that the husband and his family members have been implicated in the present matter only on the basis of the omnibus allegations and no sufficient evidence and allegations are available against the mother-in-law and father-in-law to put them on trial. He further submits that the plain reading of FIR and chargesheet papers indicate that the allegations levelled against the relatives of the husband are quite vague, general and no specific instance of criminal conduct has been stated in the FIR and no material is available in the chargesheet, which may attributed to them. He further submits that considering the facts and circumstances of the present case, allegations and evidence collected during investigation there is nothing on record to continue the criminal trial against the close relatives of the husband. He relied on the judgment of Apex Court delivered in the matter of **Kahkashan Kausar Alias Sonam vs. State of Bihar and ors, reported in (2022) 6 SCC 599**, wherein after considering the various judgments of the Apex Court it is observed that only on the basis of the general and omnibus allegations the close relatives of the husband cannot be put to trial. Paragraph Nos.17 to 22 of the judgment are relevant and read as under:-



“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of [section 498A](#) IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

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



them being general and omnibus, do not warrant prosecution. Furthermore, regarding similar allegations of harassment and demand for car as dowry made in a previous FIR. Respondent No. 1 i.e., the State of Bihar, contends that the present FIR pertained to offences committed in the year 2019, after assurance was given by the husband Md. Ikram before the Ld. Principal Judge Purnea, to not harass the Respondent wife herein for dowry, and treat her properly. However, despite the assurances, all accused continued their demands and harassment. It is thereby contended that the acts constitute a fresh cause of action and therefore the FIR in question herein dated 01.04.19, is distinct and independent, and cannot be termed as a repetition of an earlier FIR dated 11.12.17.

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

20. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, it would be unjust if the Appellants are forced to go through the tribulations of a trial, i.e., general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must



therefore be discouraged. In view of the above facts and discussions, the impugned order dated 13.11.2019 passed by the High Court of Patna is set aside. The impugned F.I.R. No. 248 of 2019 against the Appellants under Sections 341, 323, 379, 354, 498A read with Section 34 IPC stands quashed.”

7. He further relied on the order passed by the Coordinate Bench in the matter of **Smt. Nirmala Kunwar and others vs. State of M.P. and Ors. dated 22.12.2023 passed in M.Cr.C. No.23104/2022** and the order dated **28.12.2023 passed in M.Cr.C. No.27229 of 2023** in the matter of **Vivek Kumar Mandloi and Ors. vs. State of M.P. and Anr** and the judgment passed by the Coordinate Bench in **M.Cr.C. No.59499/2022 dated 5.4.2024 (Smt. Varsha Singh and Anr. Vs. State of M.P. and Ors.)**, wherein almost in similar circumstances after relying the judgment passed by the Apex Court in the matter of **Kahkashan Kausar (supra)** the Coordinate Bench quashed the proceedings against the close relatives of the husband. He prays for quashment of the criminal proceedings against the petitioner Nos.2 and 3.

8. Learned Panel Lawyer submits that no case of quashment is made out. Allegations are enough against all the petitioners and during trial on the basis of the oral and documentary evidence the allegations can be proved. Therefore, at this stage, interference by this Court is not warranted. He prays for dismissal of the petition.

9. Relying on the arguments of the learned Panel Lawyer, counsel for the respondent No.2 further submits that petitioner nos.2 and 3 actively participated in the criminal act and all of them were indulged and involved in causing cruelty and harassment to the complainant. Specific allegations are



there against all the petitioners, therefore, no case for quashment is made out. He further submits that the marriage was solemnized on 13.02.2024 and immediately thereafter the petitioners started harassing the complainant physically and mentally by using filthy language and demanding the dowry. He further submits that the parents of the complainant had given several items in dowry as per the demand of the petitioners, however, the petitioners were not satisfied with the same and, therefore, they started raising demand of four-wheeler, AC, gold chain of two tolas, ring, five lacs cash and threatened the complainant not to come at matrimonial home without these articles. Petitioner no.2 also abused the father of the complainant on telephone. On 16.02.2024 the complainant was taken to matrimonial home by the accused, however, on 20.02.2024 the petitioners started abusing the complainant for demand of dowry and beat her. Thereafter on 22.02.2024, the complainant left the matrimonial home and since then she is residing in her parents house. He further submits that petitioner nos.2 and 3 actively participated in the act of demanding dowry and harassing the complainant. He prays for dismissal of the petition.

10. After considering the arguments of the learned counsels and perusal of the documents available on record, it appears that in the FIR bald and omnibus allegations have been levelled against the petitioners No. 2 and 3 and from perusal of the chargesheet it appears that no credible evidence was collected by the Investigating Officer to prosecute close relatives of the husband and in the absence of any specific material no one can be prosecuted. The statements recorded during investigation are just a reproduction of the FIR and in the absence of specific allegations against the petitioners they can't put to trial. It appears that there is matrimonial dispute between husband and



wife and it is an internal affair of the spouse and the complainant should not be permitted to rope all the family members for the purpose of creating pressure upon the husband. In the similar circumstances, Apex Court in the case of **Preeti Gupta vs. State of Jharkhand and Ors., 2010 (7) SCC 667** criticized the tendency of implicating all the close relatives of the husband in the criminal case and quashed the prosecution against married sister-in-law of the complainant. The relevant paragraphs of the judgment read as under:-

“32. It is a matter of common experience that most of these complaints under [section 498-A IPC](#) are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under [section 498-A](#) as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not



properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. 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. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

11. The Apex Court in the case of **Geeta Mehrotra and anr.vs. State of U.P. And Ors. (2012) 10 SCC 741** has quashed the FIR lodged against the sister-in-law and brother-in-law and other close relatives of the husband and the relevant paragraphs of the judgment read as under:-

“21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter



of *G.V. Rao vs. L.H.V. Prasad & Ors.* reported in (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that:

“12. There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their cases in different courts.” The view taken by the judges in this matter was that the courts would not encourage such disputes.

27. The High Court in our considered opinion appear to have missed that assuming the trial court had territorial jurisdiction, it was still left to be decided whether it was a fit case to send the appellants for trial when the FIR failed to make out a prima facie case against them regarding the allegation of inflicting physical and mental torture to the complainant demanding dowry from the complainant. Since the



High Court has failed to consider all these aspects, this Court as already stated hereinbefore, could have remitted the matter to the High Court to consider whether a case was made out against the appellants to proceed against them. But as the contents of the FIR does not disclose specific allegation against the brother and sister of the complainant's husband except casual reference of their names, it would not be just to direct them to go through protracted procedure by remanding for consideration of the matter all over again by the High Court and make the unmarried sister of the main accused and his elder brother to suffer the ordeal of a criminal case pending against them specially when the FIR does not disclose ingredients of offence under Sections 498A/323/504/506, IPC and Sections 3/4 of the Dowry Prohibition Act.

28. We, therefore, deem it just and legally appropriate to quash the proceedings initiated against the appellants Geeta Mehrotra and Ramji Mehrotra as the FIR does not disclose any material which could be held to be constituting any offence against these two appellants. Merely by making a general allegation that they were also involved in physical and mental torture of the complainant-respondent No.2 without mentioning even a single incident against them as also the fact as to how they could be motivated to demand dowry when they are only related as brother and sister of the complainant's husband, we are pleased to quash and set aside the criminal proceedings in so far as these appellants are concerned and consequently the order passed by the High Court shall stand overruled. The appeal accordingly is allowed."

12. Apex Court in the matter of **Achin Gupta vs. State of Haryana and others, reported in 2024 SCC Online SC 759** considered the similar issue involved in the present case held that lodging of FIR in matrimonial dispute is a serious matter and permission cannot be



granted to abuse the process of law. After considering various judgment of the Apex Court, the Apex Court not only quashed the criminal trial but also suggested to the Legislature to consider the pragmatic realities and make necessary changes in Sections 85 and 86 of the Bharatiya Nyaya Sanhita, 2023. The relevant paragraphs of the judgment read as under:-

31. We are of the view that the category 7 referred to above should be taken into consideration and applied in a case like the one on hand a bit liberally. If the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter. If the submission canvassed by the counsel appearing for the Respondent No. 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by the Cr. P.C. upon the High Court would be rendered otiose. We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the First Information Report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the First Information Report and the chargesheet



papers disclose the commission of a cognizable offence. If the allegations alone as levelled, more particularly in the case like the one on hand, are to be looked into or considered then why the investigating agency thought fit to file a closure report against the other co-accused? There is no answer to this at the end of the learned counsel appearing for the State. We say so, because allegations have been levelled not only against the Appellant herein but even against his parents, brother & sister. If that be so, then why the police did not deem fit to file chargesheet against the other co-accused? It appears that even the investigating agency was convinced that the FIR was nothing but an outburst arising from a matrimonial dispute.

32. Many times, the parents including the close relatives of the wife make a mountain out of a mole. 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, 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 hyper sensitive 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 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. 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.

33. *Lord Denning, in Kaslefsky v. Kaslefsky, [1950] 2 All ER 398 observed as under:—*

“When the conduct consists of direct action by one against the other, it can then properly be said to be aimed at the other, even though there



is no desire to injure the other or to inflict misery on him. Thus, it may consist of a display of temperament, emotion, or perversion whereby the one gives vent to his or her own feelings, not intending to injure the other, but making the other the object-the butt-at whose expense the emotion is relieved.” When there is no intent to injure, they are not to be regarded as cruelty unless they are plainly and distinctly proved to cause injury to health... when the conduct does not consist of direct action against the other, but only of misconduct indirectly affecting him or her, such as drunkenness, gambling, or crime, then it can only properly be said to be aimed at the other when it is done, not only for the gratification of the selfish desires of the one who does it, but also in some part with an intention to injure the other or to inflict misery on him or her. Such an intention may readily be inferred from the fact that it is the natural consequence of his conduct, especially when the one spouse knows, or it has already been brought to his notice, what the consequences will be, and nevertheless he does it, careless and indifferent whether it distresses the other spouse or not The Court is, however not bound to draw the inference. The presumption that a person intends the natural consequences of his acts is one that may not must-be drawn. If in all the circumstances it is not the correct inference, then it should not be drawn. In cases of this kind, if there is no desire to injure or inflict misery on the other, the conduct only becomes cruelty when the justifiable remonstrances of the innocent party provoke resentment on the part of the other, which evinces itself in actions or words actually or physically directed at the innocent party.”

34. *What constitutes cruelty in matrimonial matters*



has been well explained in American Jurisprudence 2nd edition Vol. 24 page 206. It reads thus:—

“The question whether the misconduct complained of constitute cruelty and the like for divorce purposes is determined primarily by its effect upon the particular person complaining of the acts. The question is not whether the conduct would be cruel to a reasonable person or a person of average or normal sensibilities, but whether it would have that effect upon the aggrieved spouse. That which may be cruel to one person may be laughed off by another, and what may not be cruel to an individual under one set of circumstances may be extreme cruelty under another set of circumstances.”

(Emphasis supplied)

35. In one of the recent pronouncements of this Court in Mahmood Ali v. State of U.P., 2023 SCC OnLine SC 950, authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482 of the CrPC was examined. 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.

36. For the foregoing reasons, we have reached to the conclusion that if the criminal proceedings are allowed to continue against the Appellant, the same will be nothing short of abuse of process of law & travesty of justice. This is a fit case wherein, the High Court should have exercised its inherent power under Section 482 of the Cr. P.C. for the purpose of quashing the criminal proceedings.

37. Before we close the matter, we would like to invite the attention of the Legislature to the observations made by this Court almost 14 years ago in Preeti Gupta (supra) as referred to in para 26 of this judgment. We once again reproduce paras 34 and 35 respectively as under:

“34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in



consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society.”

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 1st July, 2024 so as to ascertain whether the Legislature has seriously looked into the suggestions of this Court as made in Preeti Gupta (supra). Sections 85 and 86 respectively are reproduced herein below:*

“Husband or relative of husband of a woman subjecting her to cruelty.

85. 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.

Cruelty defined.

86. 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.”

39. *The aforesaid is nothing but verbatim reproduction*



of Section 498A of the IPC. The only difference is that the Explanation to Section 498A of the IPC, is now by way of a separate provision, i.e., Section 86 of the Bhartiya Nyaya Sanhita, 2023.

40. 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.”

13. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the petitioner Nos. 2 and 3, it would be unjust if these petitioners are forced to go through the tribulations of a trial on the basis of the general and omnibus allegations. The petitioners cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. In view of the aforesaid circumstances, FIR registered as Crime No.08/2025 at Police Station Nowgaon, District Chhatarpur is quashed qua petitioner No.2 Om Prakash Rathore and petitioner No.3 Smt. Geeta Devi Rathore as well as the criminal proceedings arising out of this FIR are also quashed qua petitioners No. 2 and 3.

14. Accordingly, the petition is **allowed in part**.

15. It is needless to mention that proceedings shall be continued against the petitioner No.1 Lokendra Singh Rathore.

16. Copy of this order be sent to the trial court.

(VINAY SARAF)
JUDGE

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