

A.F.R
Reserved on 12.03.2026
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HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/s 482 No. - 9674 of 2024

Smt Geeta Singhal and another

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Counsel for Applicant(s) : Anjani Kumar Singh, Aradhana Singh, Jai Raj, Rajat Sonkar, Ravi Pratap Narayan Singh, Shiv Bahadur Singh, Suresh Kumar Maurya
Counsel for Opposite Party(s) : G.A., Lavkush Yadav, Nikil Pathak

Court No. - 92

HON'BLE TEJ PRATAP TIWARI, J.

1. The present Criminal Misc. Application has been filed under Section 482 Cr.P.C., to quash the entire criminal proceedings of Case no. 20633 of 2022 arising out of Case Crime No. 578 of 2021, State of U.P. vs. Akhil Singhal and others, pending in the court of learned Chief Judicial Magistrate, Ghaziabad, under sections 498A, 323, 504, 506, 406 I.P.C. and section 3/4 Dowry Prohibition Act, Police Station-Teela Mod, District Ghaziabad (U.P.) as well as Charge-sheet dated 24.03.2022 and cognizance order dated 16.05.2022.

Factual Matrix

2. Shorn of the details, Smt Harsha Singhal married to Akhil Singhal on 02.02.2012, after the marriage of the complainant with the applicant, she was subjected to cruelty and harassment on account of demand of additional dowry. The complainant was allegedly assaulted and mentally tortured by her husband and in-laws. It is further alleged that she was compelled to maintain unnatural physical relations

against her will and was subjected to forced sexual intercourse without her consent. Allegations have also been levelled regarding an attempt to throw acid upon the complainant during an altercation. The complainant has further alleged that her stridhan and other belongings were retained by her mother-in-law and she was ultimately ousted from the matrimonial house and prevented from meeting or residing with her children. It has also been alleged that a demand of ₹5,00,000/- and 50 yards of landed property was made from her in-laws side as additional dowry. The case was registered against the husband and the mother-in-law of the complainant, detailed mentioned above.

Argument on behalf of applicant

3. Learned counsel for the applicants submits that the allegations levelled in the First Information Report are false, frivolous and baseless, and the applicants have been falsely implicated due to matrimonial discord. It is further submitted that despite being continuously summoned by the Court on as many as 14 occasions, the complainant failed to appear before the Court for almost three years and only appeared after issuance of Non-Bailable Warrant, and the impugned FIR is a manifestly retaliatory 'counterblast' to prior civil and criminal litigation and filed with unexplained delay, which casts serious doubt upon the genuineness of the prosecution case.

4. Learned counsel further submits that the Medical evidence proves that the respondent no. 2 is the aggressor, not the victim. A trial where the 'victim' has zero injuries and the 'accused' has a documented MLC of assault is a perversion of justice. Under the Achin Gupta case (2024), when the totality of facts shows that the allegations are improbable, the court must intervene.

5. Learned counsel further submits that there is not a single specific date, time, or month attributed to the alleged daily routine of beating, the demand for 5 lakhs, or the acid throwing threat. By providing only biographical dates, the complainant has attempted to give a veneer of precision to a narrative that is otherwise entirely vague, generic, and hypothetical.

6. Learned counsel submits that the FIR alleges that on 16.11.2020, the Applicants threw her out of the matrimonial home. This is false and contradicted by her own hand. In a handwritten letter dated 28.02.2020, the respondent No. 2 explicitly declared that she wanted to abandon the matrimonial house and her two children on her own accord to start a new life.

7. Learned counsel further submits that from the allegations made in the FIR and the material available on record, the offences under Sections 406 and 498-A IPC are not made out against the applicants. It is submitted that there is no specific allegation regarding entrustment or misappropriation of stridhan by the applicants, and the allegations of cruelty are general and vague in nature without assigning any specific role to them. In support of his submission, learned counsel has relied upon the decision in **Manju Ram Kalita vs. State of Assam, (2019) 13 SCC 330** and **Binod Kumar vs. State of Bihar, (2014) 10 SCC 663**.

Argument on behalf of State and opposite party no. 2

8. Learned A.G.A. for the State as well as learned counsel appearing for opposite party no. 2 vehemently opposed the prayer for quashing of chargesheet and submitted that the allegations levelled in the First Information Report disclose commission of cognizable offences and the same are supported by the statements of the victim and other material collected during investigation.

9. It is further submitted that the complainant was continuously subjected to cruelty and harassment on account of dowry demands by the applicants and the allegations cannot be brushed aside merely on the ground that the dispute arises out of a matrimonial relationship.

Learned counsel submits that the delay in lodging the complaint or taking legal recourse is quite natural in matrimonial matters as the victim generally makes every possible effort to save her matrimonial life and family relations.

10. Learned counsel further submits that specific allegations regarding demand of dowry, physical and mental cruelty and retention of stridhan have been levelled against the applicants and, therefore, at this stage, it cannot be said that the essential ingredients of the offences under Sections 406 and 498-A Indian Penal Code, 1860 are not made out.

Observation

11. At the first instance, it would be appropriate to reproduce the provisions of law under which the present criminal misc. application has been preferred i.e Section 482 Cr.P.C.

482. Saving of inherent powers of High Court.

"Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

12. It would be apposite, at this stage, to extract Section 405 and Section 406 of Indian Penal Code, 1860 which reads as under:-

405. Criminal breach of trust.—

"Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or

implied, which he has made touching the *discharge of such trust, or wilfully suffers any other person so to do, commits “criminal breach of trust”*.

Explanation 1.— A person, being an employer of an establishment whether exempted under section 17 of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), or not who deducts the employee’s contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2.— A person, being an employer, who deducts the employees’ contribution from the wages payable to the employee for credit to the Employees’ State Insurance Fund held and administered by the Employees’ State Insurance Corporation established under the Employees’ State Insurance Act, 1948 (34 of 1948), shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.”

406. Punishment for criminal breach of trust.—

“Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

13. To better understand the concept, reliance may be placed on certain legal precedents, such as **Binod Kumar versus State of Bihar (2014) 10 SCC 663**

“14. At this stage, we are only concerned with the question whether the averments in the complaint taken at their face value make out the ingredients of criminal offence or not. Let us now examine whether the allegations made in the complaint when taken on their face value, are true and constitute the offence as defined under Section 406.

15. Section 405 IPC deals with criminal breach of trust. A careful reading of Section 405 IPC shows that a criminal breach of trust involves the following ingredients:

(a) a person should have been entrusted with property, or entrusted with dominion over property;

(b) that person should dishonestly misappropriate or convert to his own use that property, or dishonestly use or dispose of that property or wilfully suffer any other person to do so;

(c) that such misappropriation, conversion, use or disposal should be in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract which the person has made, touching the discharge of such trust.

16. Section 406 IPC prescribes punishment for criminal breach of trust as defined in Section 405 IPC. For the offence punishable under Section 406 IPC, prosecution must prove:

(i) that the accused was entrusted with property or with dominion over it; and

(ii) that he (a) misappropriated it, or (b) converted it to his own use, or (c) used it, or (d) disposed of it.

The gist of the offence is misappropriation done in a dishonest manner. There are two distinct parts of the said offence. The first involves the fact of entrustment, wherein an obligation arises in relation to the property over which dominion or control is acquired. The second part deals with misappropriation which should be contrary to the terms of the obligation which is created.

18. In the present case, looking at the allegations in the complaint on the face of it, we find that no allegations are made attracting the ingredients of Section 405 IPC. Likewise, there are no allegations as to cheating or the dishonest intention of the appellants in retaining the money in order to have wrongful gain to themselves or causing wrongful loss to the complainant. Excepting the bald allegations that the appellants did not make payment to the second respondent and that the appellants utilised the amounts either by themselves or for some other work, there is no iota of allegation as to the dishonest intention in misappropriating the property. To make out a case of criminal breach of trust, it is not sufficient to show that money has been retained by the appellants. It must also be shown that the appellants dishonestly disposed of the same in some way or dishonestly retained the same. The mere fact that the appellants did not pay the money to the complainant does not amount to criminal breach of trust.”

14. Ramesh Sitaldas Dalal and ors. Versus State of Maharashtra and ors., 2023(4)Bom CR(Cri)845.

“13. The term 'cruelty' for the purpose of Section 498-A of the IPC has been specifically defined. In order to constitute an offence under Section 498-A there must be prima facie material to prove (a) willful conduct 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 of the woman; (b) that they had harassed her with a view to coerce her to satisfy unlawful demand of dowry. It is well settled that to prove offence under Section 498-A, it has to be established that the woman has been subjected to cruelty continuously or persistently or at least in close proximity of time of lodging the complaint. Petty quarrels do not amount to cruelty. Reliance is placed on the decision of the Apex Court in Manju Ram Kalita vs. State of Assam MANU/SC/0911/2009: (2009) 13 SCC 330.”

15. After thoughtfully considering the arguments advanced by learned counsel for the parties, the relevant legal provisions, the case laws relied upon, and upon perusal of the material available on record, it appears that the FIR contains specific allegations against the mother-in-law of the complainant, namely, Geeta Singhal, regarding non-return of stridhan and administering certain medicines alleged to be harmful to the complainant. It further appears that, according to the written submissions advanced on behalf of the applicants, a handwritten note (Annexure SA-34) has been relied upon to contend that the complainant/respondent had left the matrimonial home of her own accord. However, the said handwritten note forms part of the evidence and its authenticity, genuineness and evidentiary value cannot be conclusively examined at this stage, as the question whether the same was actually written by the complainant/respondent or not is a disputed question of fact requiring appreciation of evidence during trial.

16. It also appears that the applicants have questioned the credibility of the prosecution case on the ground that no formal complaint was lodged for almost nine years and that the present proceedings were initiated only after institution of Criminal Complaint Case No. 905 of 2021 and Divorce Petition (HMA No. 421 of 2021) by Applicant No. 2 on the ground of cruelty, thereby

contending that the present FIR is a counterblast to the earlier proceedings. However, merely because the present proceedings may appear to be a counterblast to the aforesaid cases, the same by itself would not constitute a sufficient ground for quashing of the FIR, particularly when certain disputed questions of fact and evidence still require examination during trial. The issue regarding the injuries allegedly sustained by Applicant No. 2, and whether the same were caused by the complainant/respondent, also involves factual adjudication based upon evidence to be led during trial. The reliance be place on the judgment **Omprakash Krishnya Nayar v. State of Maharashtra, 1999 SCC OnLine Bom 253**

“Between ‘may be true’ and ‘must be true’ there is inevitably a long distance to travel and the whole of this distance must be covered by legal, reliable and unimpeachable evidence.”

17. Looking to the aspect of the powers of the Court under Section 482 Cr.P.C., it is settled that at the stage of quashing, the Court is not required to conduct a mini trial, thus the jurisdiction under Section 482 Cr.P.C with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to produce against the applicant or not, if sufficient material is available, the power under Section 482 Cr.P.C should not be exercised. Further in the case of **Central Bureau of Investigation v. Aryan Singh and others, (2023) 18 SCC 399** this Court held that at the stage of Section 482 of the Cr.P.C., the High Court is not required to conduct a mini trial, relevant para is reproduced below:-

"6. From the impugned common judgment and order [Aryan Singh v. CBI, 2022 SCC OnLine P&H 4158] passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini trial. The High Court in the common impugned

judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency.

7. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482CrPC, the Court has a very limited jurisdiction and is required to consider “whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not”.

8. One another reason pointed by the High Court is that the initiation of the criminal proceedings/proceedings is malicious. At this stage, it is required to be noted that the investigation was handed over to the CBI pursuant to the directions issued by the High Court. That thereafter, on conclusion of the investigation, the accused persons have been charge-sheeted. Therefore, the High Court has erred in observing at this stage that the initiation of the criminal proceedings/proceedings is malicious. Whether the criminal proceedings was/were malicious or not, is not required to be considered at this stage. The same is required to be considered at the conclusion of the trial. In any case, at this stage, what is required to be considered is a prima facie case and the material collected during the course of the investigation, which warranted the accused to be tried.”

18. In **Daxaben v. State of Gujarat** (2022) 16 SCC 117, a two-Judge Bench held as follows:

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

27. In Monica Kumar v. State of U.P. [(2008) 8 SCC 781 (2008) 3 SCC (Cr1) 649], this Court held that inherent jurisdiction under Section 482 CrPC has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself.

28. In exceptional cases, to prevent abuse of the process of the Court, the High Court might in exercise of its inherent powers under Section 482 quash criminal proceedings. However, interference would only be justified when the complaint did not disclose any offence, or was patently frivolous, vexatious or oppressive, as held by this Court in Dhanalakshmi v. R. Prasanna

Kumar [1990 Supp SCC 686: 1991 SCC (Cri) 142: AIR 1990 SC 494].

36. Offence under Section 306 IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 CrPC is wide and can even be to non exercised to quash criminal proceedings relating compoundable offences, to secure the ends of justice or to prevent abuse of the process of court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case."

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

19. The Court is also relying on the judgment of case, **State of Odisha v. Pratima Mohanty** (2022) 16 SCC 703 held that:-

"8.2. It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per the settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 CrPC when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 CrPC the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 CrPC are very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

20. Even if there appears to be a possibility that the present FIR has been lodged as a counterblast to the earlier proceedings instituted by the applicants, the said aspect itself cannot be conclusively determined at this stage, particularly when adjudication of such plea requires appreciation and determination of evidence. The evidentiary value and correctness of the rival claims raised by the parties can only be properly examined during trial upon leading of evidence. Therefore, this Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot undertake such factual determination at this stage.

21. In this context, it seems relevant to take note of that vide order dated 14.11.2025 of this Court, in Application U/S 482 Cr.P.C. No. 4269 of 2025 (Harsha Singhal versus State of U.P. and others), the concerned trial Court has been directed to decide the instant case preferably within 3 months.

22. In view of the law, reasons and discussions made herein above, this Court finds that the present case warrants no interference at this stage as it is necessary to examine the allegations. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution. Therefore, the instant application is liable to be dismissed.

23. With the aforesaid observations, the present application is **dismissed**.

24. The Court acknowledge and appreciates the sincere efforts and valuable assistance of Research Associate Ms. Kratanshi Srivastava.

(Tej Pratap Tiwari,J.)

May 29, 2026/PS