2025 INSC 1152

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025
(Arising out of Special Leave Petition (Criminal) No.4069 of 2024)

[redacted] **...APPELLANT**

VERSUS

STATE OF UTTAR PRADESH
& ANOTHER **...RESPONDENTS**

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. This appeal arises out of the order dated 27.02.2024 passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Writ Petition No.2676 of 2024 dismissing the application filed under Article 226 of the Constitution of India

preferred by the accused/appellant, [redacted] and thereby refusing to quash the proceedings arising out of FIR No.347 of 2023 dated 09.11.2023 registered at PS Civil Lines, Meerut. The said FIR was filed by Smt. Jyoti Garg, the complainant/respondent No.2, against her husband[redacted] her mother-in-la[redacted]pellant No.1 herein who is her brother-in-law under Sections 323 and 498A of the Indian Penal Code, 1860 ("IPC", for short) and Sections 3 and 4 of the Dowry Prohibition Act, 1961 ("Dowry Act", for short).

3. Briefly stated, the facts of the case are that the complainant/ respondent No.2 got married to [redacted], brother of the accused/appellant herein on 01.05.2014. After a few months into the marriage, on account of marital discord, the complainant/ respondent No.2 left her matrimonial home and started residing at her parental home. Thereafter, both the parties initiated multiple matrimonial proceedings against each other which are not really germane to the facts of the present appeal.

4. On 09.11.2023, the complainant/respondent No.2 lodged FIR No.347 of 2023 with Police Station Civil Lines, Meerut under

Sections 323 and 498A of the IPC and Sections 3 and 4 of the Dowry Act against her husband, mother-in-law and the accused/ appellant herein.

5. On perusal of the FIR dated 09.11.2023, the allegations contained in the same can be crystallized as hereunder:

i. The complainant/respondent No.2 got married to [redacted]nd within ten days of marriage, she started facing harassment for dowry.

ii. The appellant along with the husband and mother-in-law of complainant/respondent No.2 got her to write a consent letter which was signed by her uncle and four other relatives after which she was allowed to live at her matrimonial house.

iii. On 10.12.2022, due to repeated harassment related to dowry, a vein of the complainant/respondent No.2 in the brain burst and consequently her right hand and right leg got paralyzed due to which the complainant/respondent No.2 had to undertake physiotherapy.

6. Aggrieved by the registration of the FIR, the accused/ appellant, along with the mother-in-law and husband of the complainant/respondent No.2, filed Writ Petition No.2676 of 2024 under Article 226 of the Constitution of India before the High Court of Allahabad praying for the quashing of FIR No.347 of 2023.

7. The Allahabad High Court, *vide* impugned order dated 27.02.2024 refused to quash the proceedings arising out of the said FIR. It was observed by the High Court that although the prayer made in the said Writ Petition was to quash the FIR, the accused/appellant sought the relief of grant of protection under Section 41A of the Code of Criminal Procedure, 1973 ("CrPC", for short) only; and that on perusal of the said FIR, a prima facie case of commission of a cognizable offence was made out.

8. Aggrieved by the impugned order dated 27.02.2024, the accused/appellant has preferred the present appeal praying for quashing of FIR No.347 of 2023 dated 09.11.2023.

9. We have heard learned counsel for the accused/appellant and learned counsel for the respondent-State as well as respondent-complainant. We have perused the material on record.

10. We have given our thorough consideration to the arguments advanced at the bar and the material on record.

11. In the instant case, the allegations in the FIR pertain to Sections 323 and 498A of the IPC and Sections 3 and 4 of the Dowry Act.

12. Section 323 of the IPC deals with punishment for voluntarily causing hurt.

13. Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife.

14. An offence is punishable under Section 323 of IPC when a person commits an act with an intention to cause or with knowledge that the said act is likely to cause bodily pain, disease or infirmity to another person. Such an act or omission is punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both.

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.

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 vs. Bhajan Lal, 1992 Suppl (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.
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> (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the Accused.
>
> (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except

under an order of a Magistrate within the purview of Section 155(2) of the Code.

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

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

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

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

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the Accused and with a view to spite him due to private and personal grudge."

21. 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 vs. 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."

23. In the aforementioned facts of the case and keeping the judicial dicta rendered by this Court in mind, we find that the impugned order dated 27.02.2024 of the High Court ought to be set aside and is set aside. Consequently, FIR No.347 of 2023 dated 09.11.2023 lodged at Police Station Civil Lines, Meerut and all consequent proceedings initiated pursuant thereto stand quashed, only qua the accused/appellant herein.

24. It is needless to observe that the observations made in the present appeal shall not come in the way of any other proceedings pending between the parties which shall be decided on their own merits and in accordance with law.

The appeal is allowed in the aforesaid terms.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

NEW DELHI;
SEPTEMBER 24, 2025.