



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2025
(Arising out of SLP(Crl.) No. _____ OF 2025)
(@ D.No.55944 OF 2024)

....Appellant(s)

Versus

State of Karnataka and Anr.

.... Respondent(s)

J U D G M E N T

Joymalya Bagchi, J.

1. Delay condoned. Leave granted.

2. Appellant-wife has challenged the impugned order whereby the High Court quashed proceeding in CC No. 163 of 2021 dated 03.02.2021 under Sections 498-A, 324, 355, 504, 506 read with Section 149 of the Indian Penal Code, 1860¹ against the respondent-husband.

¹ Hereinafter referred to as 'IPC'.

3. The aforesaid case was registered on the written complaint lodged by the appellant-wife alleging as follows:-

- (i) Marriage between the appellant and respondent was solemnized in 2012.
- (ii) Two children were born to the couple.
- (iii) Respondent-husband developed illicit relation with one _____ and the latter abused the appellant in filthy language four months prior to the incident. She reported the matter to Teradal Police Station but no complaint was lodged.
- (iv) Respondent-husband and other in-laws harassed her physically and mentally and demanded two lakhs dowry.
- (v) Due to ill treatment and demand of dowry, the appellant started residing at her parental home at Telasang.
- (vi) On 27.10.2020, Respondent-husband and other in-laws came in a car to her parental home and threw chilli powder in her eyes, abused her and her relations in filthy language and assaulted them with slippers and stones. Neighbours, including one _____, intervened and rescued them.

4. During investigation, Police recovered slippers and stones from the place of occurrence. Statements of witnesses including the neighbour were recorded and charge sheet was filed against respondent-husband and in-laws.
5. The in-laws assailed the proceeding² before the High Court. A Single Judge partly allowed the petition and quashed the proceeding against the septuagenarian parents-in-law but permitted the proceeding to continue against other in-laws.
6. Subsequently, respondent-husband prayed for quashing³ before another co-ordinate single bench which came to be allowed.
7. We have heard learned counsel for the parties and perused the records.
8. The case at hand portrays a disturbing picture. While one judge refused to quash proceeding against the in-laws, *inter alia*, observing wound certificate demonstrates the appellant was assaulted and suffered simple injuries, another judge by the impugned order quashed the proceeding against respondent-husband holding the medical certificate was not consistent with

² Criminal Petition No. 101599 of 2021

³ Criminal Petition No. 101591 of 2021

the allegations in the complaint i.e. the wound certificate does not show the injuries were caused by a blunt weapon.

9. Having perused the impugned judgment, we are of the view the judge erred in law by embarking upon an enquiry with regard to the credibility or otherwise of the allegations in the FIR/Chargesheet. The Judge compared the nature of assault described in the FIR vis-à-vis wound certificate and came to a finding that the allegations are untrue. In doing so, the Judge had undertaken a mini trial to quash the proceeding which is impermissible in law.

10. In *R.P. Kapur v. State of Punjab*⁴ this Court enumerated the category of cases where inherent powers may be invoked to quash criminal proceeding. One such category is where there is no legal evidence adduced in support of the allegations made against the accused or the allegations or such evidence manifestly fails to prove the charge. Elaborating further with regard to scope of enquiry to determine this category of cases, the Court held as follows:-

“6. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no

⁴ 1960 SCC OnLine SC 21.

legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under Section 561-A the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not. That is the function of the trial Magistrate, and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and contend that on a reasonable appreciation of the evidence the accusation made against the accused would not be sustained.....”

(emphasis supplied)

11. This view has been consistently followed and in a catena of cases⁵

this Court has repeatedly forbidden the High Court from embarking on a ‘mini trial’ in exercise of its inherent jurisdiction to quash proceeding.

12. Applying the ratio to the facts of the case, we have no hesitation

to hold the allegation of throwing chilli powder and assault on the appellant by respondent-husband and other in-laws is not only supported by the wound certificate which discloses simple injury but also the statement of the neighbour, . Given this situation, it cannot be said the case falls in the category of those cases where there is no legal evidence or evidence is

⁵ Neeharika Infrastructure Private Limited v. State of Maharashtra and Others 2021 SCC OnLine SC 315, (Para 10.7); State of Odisha v. Pratima Mohanty and Others 2021 SCC OnLine SC 1222, (Para 8.2); State of Uttar Pradesh and Another v. Akhil Sharda and Others 2022 SCC OnLine SC 820, (Para 18); State v. M. Maridoss and Another 2023 SCC OnLine SC 47, (Para 7); Central Bureau of Investigation v. Aryan Singh and Others 2023 SCC OnLine SC 379, (Para 6); Dharambeer Kumar Singh v. State of Jharkhand and Another 2024 SCC OnLine SC 1894, (Para 17); Ranjeet Mittal v. State of Madhya Pradesh 2024 SCC OnLine SC 2926, (Para 19).

“manifestly and clearly inconsistent” with the accusation levelled in the chargesheet.

13.It is nobody’s case no injury was noted in the wound certificate, rendering the allegation of assault patently absurd or inherently improbable. In this backdrop, it was unwarranted for the judge to embark on a mini trial to weigh the ocular version vis-à-vis medical evidence and quash the proceeding. Whether the ocular evidence is fully incompatible with medical evidence is a matter of trial and cannot be a ground to terminate prosecution at the initial stage.

14.In support of quashing the Judge had also observed that it is unclear from the allegations who had perpetrated the assault and the prosecution during the pendency of a matrimonial suit was nothing but an abuse of process of Court. These grounds are equally untenable.

15.Respondent-husband and other in-laws (except parents-in-law) have been alleged to have acted in concert and conjointly assaulted the appellant and her relations. When multiple accused share common intention/common object to commit a crime, it is irrelevant to determine the exact role played by each of them in the

assault. Learned Judge failed to appreciate the uncontroverted allegations in the chargesheet attracted constructive liability and the proceeding could not be quashed on the score it is unclear who had perpetrated the assault.

16.The Judge also misdirected himself in coming to a finding that the proceeding was malicious and an abuse of the process of court as proceedings were pending before the matrimonial court. Offences involving cruelty on wife would invariably arise out of matrimonial disputes. Accordingly, pendency of matrimonial proceeding between the parties cannot *per se* lead to an inference that institution of criminal proceeding alleging assault supported by medical evidence and independent witness is a product of malice and abuse of court.

17.Finally, it is argued there are case and counter case and proceeding against parents-in-law have been quashed by the co-ordinate bench. Noting the parents-in-law are septuagenarian and there is no whisper in the FIR that they participated in the assault, proceeding against them was quashed. Uncontroverted allegations in the FIR/Chargesheet unequivocally implicate respondent-husband in the assault. He stands on the same footing with the

other in-laws i.e. brother-in-law/sisters-in-law against whom the proceeding was not quashed in Criminal Petition No. 101599 of 2021. Though the order refusing to quash the proceeding against some of the in-laws was passed earlier, it is inexplicable why there is no reference to the said order in the impugned order quashing proceeding against the respondent-husband. It was incumbent on the Judge while quashing the proceeding against the respondent-husband to refer to the earlier decision of the co-ordinate bench and distinguish the reasons therein to arrive at a different conclusion. Failure to do so infracts judicial propriety and discipline. Consistency in judicial outcomes is the hallmark of a responsible judiciary. Inconsistent decisions coming out from different benches shake public trust and reduce litigation to a punter's game. It gives rise to various insidious sharp practices like forum shopping spoiling the clear stream of justice. Impugned order suffers from the vice of judicial caprice and arbitrariness and is liable to be set aside also on this score.

18.For the aforesaid reasons, we set aside the order dated 16.02.2024 and the proceeding against the respondent-husband

(R2) are revived and shall continue in accordance with law.

Consequently, the appeal is allowed.

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

.....J.
(JOYMALYA BAGCHI)

**New Delhi,
April 29, 2025**