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

% *Date of decision: 29<sup>th</sup> August, 2025*

+ **CRL.M.C. 2561/2023 and CRL.M.A. 9718/2023**

.....Petitioner

Through: Ms. Amrita Sarkar, Mr. Ashish Kumar Singh, Mr. Kartik Gupta and Mr. Gitesh Sinha, Advocates.

versus

**STATE OF NCT OF DELHI AND ORS**

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the State with SI Roshan Lal, PS – Patel Nagar, Delhi.  
Mr. Sanjeev Mahajan and Ms. Simran Rao, Advocates for respondent no. 2.

**CORAM:  
HON'BLE MR. JUSTICE ARUN MONGA**

**ARUN MONGA, J. (Oral)**

1. Petitioner herein seeks quashing of an FIR No. 352/2018 dated 08.12.2018 registered under Sections 498A/406/34 of IPC at Police Station Patel Nagar, Delhi and consequent criminal proceedings, stated to have arisen due to matrimonial discord between her deceased brother and his wife.
2. Having faced the ignominy of being accused in the criminal trial initiated at the complainant's instance against her husband (since deceased),



his sister and their parents, it is the sister of the husband, who is thus before this Court challenging the impugned FIR *qua* her. Husband of the complainant/wife (respondent No. 2) unfortunately died during the pendency of the proceedings.

3. It is asserted that the FIR is based not only on omnibus allegations but even otherwise, it transpires that during the relevant time the respondent wife stayed in the matrimonial home, all throughout barring short interregnum of four months, the petitioner was residing with her husband, who served in Indian Airforce and was stationed at different cities all over India, i.e. Srinagar, Hyderabad, Bengaluru, Pune, Gorakhpur and Ambala and after retirement is settled at Noida.

4. Succinctly put, per FIR, the case of the complainant is that she married Mr. Siddharth Talwar (respondent No. 3) on 19.04.2007. It is alleged that even prior to the solemnization of marriage, at the time of the engagement ceremony, demands were made by the accused persons for a diamond ring in place of gold and for a gold bracelet. On the day of the wedding, further pressure was allegedly exerted on the complainant's family to provide a diamond necklace, with the threat of cancelling the wedding if the demand was not met.

4.1 The complainant asserts that she received approximately 300 grams of gold jewellery and a diamond set worth Rs.1,50,000/- as her Stridhan, and that around 200 grams of gold was also given by her in-laws. These valuables had been entrusted to the accused but were never returned to the complainant constituting an alleged criminal breach of trust.



4.2 Post-marriage, the complainant states to have been subjected to sustained cruelty, both mental and emotional. She later discovered, to her shock, that her husband was a three-time divorcee, a fact allegedly concealed from her. The birth of a daughter in February 2008 was allegedly followed by intensified abuse, with repeated derogatory remarks made by the accused regarding the gender of the child and further dowry demands in the form of gold and silver made in 2010 and 2012.

4.3 The complainant further states that she was coerced by her husband in 2009 to demand her share in her parental property under threat of divorce. In 2012, she discovered evidence of her husband's alleged extramarital affair. It is further alleged that the accused, on several occasions, threatened to disown the daughter and even ordered a DNA test, raising unfounded questions about her parentage.

4.4 In addition to verbal abuse, the complainant states that she and her minor daughter were wrongfully confined on multiple occasions. Matters escalated in April 2017 when the complainant was allegedly physically assaulted and strangled by the accused. On 6 June 2017, she was allegedly ousted from the matrimonial home and forced to seek refuge with her mother, left with no money or valuables.

4.5 Moreover, complainant alleges that between October 2016 and February 2017, her sister-in-law, Puja Rasne (petitioner herein), and her husband stayed with them and encouraged the complainant's in-laws and husband to commit more domestic violence. They frequently insulted her (the complainant), calling her a "bloody bitch" so often that it became her nickname. In March 2017, the complainant's husband extorted two



kilograms of silver and four gold coins from her, selling them for his own gain.

5. In view of the aforesaid backdrop, I have heard the parties and perused the case file.

6. Ms. Amrita Sarkar, learned counsel for the petitioner would contend that the FIR is false and based on frivolous and concocted facts. The prosecutrix has levelled baseless and horrendous allegations against the Petitioner which could not be proved at any point of time, with a sole purpose of harassing and exploiting the Petitioner.

6.1 Further, she would contend entire FIR is bereft of any specific allegation against the Petitioner and hence liable to be quashed. Reference is made to the judgment rendered in *Kahkashan Kausar alias Sonam & Ors. v. State of Bihar & Ors.*<sup>1</sup> It is submitted that general ominous allegations have been levelled against the petitioner and the complainant has misused the criminal laws.

6.2 She would submit that the ingredients of offence under Section 498A, 406 and 34 of IPC have not been made out. No prima facie case against the Petitioner can be formed based on such omnibus general allegations or rather false allegations. Neither any demand or request for dowry was made from the complainant or her family nor any harassment or any violence was caused to her by or at the behest of the petitioner. Qua the petitioner, the offences under section 498A, 406 and 34 IPC are not made out.

6.3 Learned counsel for the petitioner would also contend the uncontroverted allegations made in the FIR and evidence available on record

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<sup>1</sup> (2022) 6 SCC 599.



do not disclose the commission of any offence by the Petitioner herein. The Petitioner has been falsely implicated by alleging a false and heinous act, which she would not commit or even think of committing against any person.

6.4 She submits that Petitioner was barely in the complainant's shared household since she was married in 06.10.2000 and was always on the move because of her husband's transferable job in the air force.

6.5 Moreover, she would contend that the facts and circumstances as stated by the prosecutrix in her complaint dated 04.08.2017 and later as mentioned in the impugned FIR No. 352/2018 and chargesheet are contrary to the true happenings/incident which occurred, thereby indicating at the malevolence of the complainant. The prosecutrix has capriciously distorted the facts/incident in order to make the Petitioner look guilty and suit her personal malicious desires.

6.6 She would also state that the Petitioner had assisted the police as and when required and had submitted each and every information as sought by the concerned police. The said fact clearly hints towards the innocence of the Petitioner and that the FIR in question is only an outcome of malicious and vacillating tactic of the prosecutrix and her family.

6.7 She would submit that the written complaint dated 04.08.2017 made by the Prosecutrix to the CAW, Patel Nagar PS has been shrugged and no development with respect to the same had been recorded by the concerned police officials in the FIR and the chargesheet thereby showing a bare copy-pasted effort.



6.8 She would further argue that the prosecutrix has registered the complaint before CAW dated 04.08.2017 against the Petitioner to make Petitioner and her family bend to their dictates and desires and to satisfy illegal demands of money. The incidents as stated in the complaint are contrary to the true facts and circumstances of the events, concocted solely to harass the Petitioner and her family. The complaint under Section 12 of Protection of Women under Domestic Violence Act, 2005 was also filed at the same time before the Ld. MM by the Prosecutrix. The Respondent No.2 and 3 in the meanwhile were also participating the CAW counselling process.

7. *Per contra*, Mr. Sanjeev Mahajan, learned counsel for the complainant/respondent No. 2 would urge as below:

7.1 Section 498A IPC also includes mental cruelty as a punishable offence and the complainant has explicitly stated the acts of mental cruelty committed by the petitioner on the complainant. Reference is made to the judgment rendered in *Samar Ghosh vs. Jaya Ghosh*<sup>2</sup>

7.2 The acts of cruelty were perpetrated with the connivance of petitioner as has been also explicitly stated in the FIR. The complainant was blamed for bringing a daughter into this world instead of a boy child saying that the girl child was a liability.

7.3 The petitioner used to repeatedly humiliate with derogatory terms, including being called a 'bloody bitch' and used it mock her within the household.

7.4 FIR clearly establishes a prima facie case against the Petitioner, as she

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<sup>2</sup> (2007) 4 SCC 511



has subjected the Complainant to mental cruelty by using abusive language towards her and by instigating her brother to perpetrate acts of cruelty on the complainant.

8. After careful consideration, I am unable to agree with the learned counsel for the complainant. The reasons are not far to seek. Let us see how.

9. First and foremost, the impugned FIR be seen, which, in *verbatim*, is as below:-

*“To,  
ACP/Incharge,  
CAW Cell,  
Kamla Market New Delhi*

*Sub: Criminal complaint against Mr. Siddharth Talwar S/o Sh. Sushil Kumar Talwar, Mrs. Pammi Talwar (Mother-in-law) W/o Sh. Sushil Kumar Talwar, Mr. Sushil Kumar Talwar, Ms Puja Rasne W/o Sh. Manoj Rasne All R/o 6AE3, Shatabdi Vihar, Sector-52, Naida U.P.-201301 and others, for registration of fir for cognizable offences u/s 323/307/511/341/384/38/389/403/406/498A/500/5061PC r/w sec 3&4 Dowry Prohibition Act/107, 1208 I PC, Sec 12 of Indian Passport Act etc. And investigation thereof. (without prejudice and facts confined to the present case only)*

*Complainant: Sarika Talwar W/o Siddharth Talwar, 1st floor R/o 21/24 West Patel Nagar, New Delhi*

*1. That the complainant was married to accused no. 1 as per Hindu rites and ceremonies on 19/4/2007 at New Delhi. The marriage was nightmare, as even prior to the marriage at the Sagan ceremony the accused persons demanded and were given diamond studded ring worth more than INR 1,00,000 instead of gold ring and one Gold KARA to accused no.1. And at the marriage the accused no.1 to 3; under the threat to break the marriage the complainant family was extorted a diamond necklace to the accused no.2; gold chain weighing more than 20 grams to accused no.3. The complainant at the marriage was given four gold bangles, one gold set, one gold bracelet (weighing*





about 300 grams in total) & a diamond set valued about INR 1,50,000 by her parental family as Stridhan. From the side of the accused no.1 the complainant was given two gold set and four gold bangles (weighing about 200 grams in total) as Stridhan. All this Stridhan was entrusted to accused 1 to 3 and it was not returned; was misappropriated and the complainant was pushed out; forced out and deserted from the matrimonial household along with her minor daughter Kyra alias Khushi on 6/6/2017. And presently she and her daughter are sheltered by her parental family at West Patel Nagar, New Delhi. (Matrimonial household means R/o 6A E3, Shatabdi Vihar, Sector 52, Noida UP 201301 where the complainant has been living in domestic relationship with accused no.1. Parental house means 21/24 1st Floor West Patel Nagar, New Delhi)

2. That right from the day of Sagan ceremony the complainant mentally, and physically harassed & tortured firstly as the accused no.1 to 3 extorted dowry from them. And at the time of marriage the complainant was one time divorcee, however later it was disclosed by the relations of the accused persons that the accused no. 1 was three times divorcee. The marriage was at rocks and the complainant received the shock of her life. She somehow coped up with the issue as she became pregnant. She in February 2008 gave birth to a female child. Upon this she was verbally and emotionally abused, humiliated and ridiculed for not giving birth to a male child.

3. That the accused no.2 to 4 coerced and forced the parental family of the complainant to sufficiently compensate the accused persons as the complainant gave birth to a daughter which they said was liability for all times to come. Thus in March 2010 the parental family of the complainant was forced to give a gold ring to the accused no.1 and 1 kg Silver & 4 gold coins weighing 10 grams each and to the complainant and 1 kg silver in 2012. The accused no.1 & 2 during this period have been verbally and emotionally abusing the complainant for not bearing a male child.

4. That in continuity to cause mental and physical torture & cruelty to the complainant in the year January 2009, the accused no. 1 'threatened to divorce' the complainant unless she asserts her share in her parental immovable properties. The accused no.1 sent text message from Madagascar from his previous mobile number saying sorry to the threat to divorce he had extended to the





*complainant.*

5. (i) During this period the accused no.1 had relations with one Ms. Sumiti Sharma who was a student of accused no. 2 in her institute (Inflight Air Hostess Training Institute) opened fake Email Id in the name of complainant's daughter, Kyra and conveyed of her relations etc. With accused no.1. She wrote that accused no.1 was flirting with other women and cheating upon the complainant since two years or more. The accused no. 1 in e mail of 1/2/2012 again apologized for the relations he had with other women while being married to the complainant.
6. That for the past four years one Mr. Ranjit Singh has been visiting the matrimonial household; he has been heavily drinking with the accused no.1. & the accused no.1 threatening that he will get kidnapped daughter Kyra using men like Mr. Ranjit Singh if the complainant ever raised her voice against the physical and mental cruelty inflicted upon her. (ii) That the accused no.1 under duress and threat and using physical force, seems to have made recordings that the complainant has not been deprived of anything and that she is happy in shared household (iii) That the complainant and her daughter Kyra have been forced to sleep separately and kept confined a number of times weeping and crying by the accused no. 1 to 3 . The accused no.1 threatened in February 2017 not to pay the school fees of their daughter Kyra in future. He threatened Kyra that 'I will disown you . I will get your name struck off from the School'. In the process he also made demeaning allegations that Kyra is not his daughter and will get the DNA test done.
7. (i) That the accused no.1 in his passport has malafidely kept the column of Spouse name Blank/unfilled thereby giving wrong information/concealing material information from passport authorities and the complainant. (ii) That the accused no. 1 to 4 have been ridiculing and taunting the complainant for not bearing the other child, specifically a male child. Whereas the true fact is that the accused no. 1 is not having any kind of physical relation with the complainant since January 2012 causing mental and physical cruelty.
8. (i) The mother and brother of the complainant were deceived to give INR 1,00,000 to the accused no. 1 in the year 2013 as he represented that he needs a separate house to avoid interference



from accused no. 2 to 4 an he booked a residential flat with M/s Superteck Ltd. On joint name. (ii) That the mother of the complainant was further extorted to pay INR 50,000 (fifty thousand) in the year 2015 for buying office in Gaur City.

9. That during the period October 2016 to February 2017 the accused no.4 with her husband Mr. Manoj Rasne came to stay at the matrimonial house. They in conspiracy with accused no. 2 kept on abetting and encouraging the accused no. 1 to commit domestic violence and cruelty upon the complainant and her daughter. The accused kept on insulting, humiliating, calling the complainant disgracefully as Bloody Bitch so frequently that she was nicknamed as Bitch.

10. That in 30 March 2017 the applicant was extorted under threat to of causing her grievous hurt by the respondent no.1 to take out 2 kg silver 4 gold coins of the applicant from the locker jointly held, by the applicant and the respondent no.1 and hand him over; as the key of the locker no.19 Indian Overseas Bank Sector 52, Noida was with her. The respondent no.1 sold the silver and gold coins in the market and swindled the money thereby caused extortion and economic abuse of complainant

11. That the complainant was constantly kept in wrongful confinement a number of times in isolations in a room at her matrimonial house. She was kept in confinement sometimes with her daughter in a room in the matrimonial house by respondent no.1 to 3.

12. The accused no.1 on 14/3/2017 again emotionally and physically abused the complainant as he threatened to commit suicide and falsely implicate the complainant and her parental family in abetment of suicide. The report made by the complainant to various authorities dated 14/3/2017 in on record. The accused no.1 continued with the domestic violence as on 17/4/2017 as he attempted to strangulate etc. The complainant. The complainant made the report to the various authorities which are filed herewith. The accused no. 1 to 4 did not relent in domestic violence. The report of the complainant a victim of domestic violence dated 19/5/2017 made to police authorities is filed herewith.

13. (i) That the complainant on demanding the basic necessities she was driven out of the house on 14th April 2017 and had to take



shelter at her parental house in West Patel Nagar. When she returned back to the shared household, at the instigation of accused no. 2 & 3, the accused no. 1 physically assaulted her, caused her injuries and attempted to strangle her on 17/4/2017. (ii) That the conditions were thus made so miserable and unbearable that the complainant was deserted, forced & pushed out of matrimonial house. So she and her daughter scarred & scared, had no option but take shelter in the house of her widow mother along with her brother and younger sister at West Patel Nagar; without any money or valuable. Though the accused no.1 has been constantly in know of this fact yet he has been causing verbal, physical, economic abuse and mental and physical cruelty, torture, threat and abuse. (iii) That while the complainant was at parental house the accuse no.1 himself made defamatory calls to Mr. Mahesh Mehra@ Babu Chacha at Mumbai threatening and to 'dissolve the marriage with the complainant and calling the complainant Bloody Bitch and her family as Thug & Chor. (v) That during the stay of the complainant at parental house on 8/6/17 the accused no.1 heaped abused upon the complainant and threatened for 'dissolution of marriage'. And he has been continuously abusing the mother & brother of the complainant on their cell phones. (vi) That during her stay at the parental house the accused no. 1, 2 & 3 often have been making calls at midnight or thereafter to the complainant, her mother, & brother. Thus the complainant and her family at her parental house were put to mental and physical cruelty, abuse. As a result of trauma caused the complainant got treatment from psyshiatrist on 23 June 2017.

14. That the complainant in bonafide and maintainable and within the jurisdiction of CAW at Delhi. In the fact and circumstance an FIR against the said accused persons and others may kindly be registered for causing simple injury upon the person of the complainant, for wrongful restraint, for extortion, for extortion for putting the complainant under fear of causing grievous hurt, dishonesty causing misappropriation of the complainant/ her parents valuables/money, defamation, for demanding, for demanding and taking dowry etc and criminal conspiracy and abetment of the said offences thereof: punishable u/s 323/307/511/341/384/38/389/403/406/ 498A/500/506 IPC r/w sec 3&4 Dowry Prohibition Act/107, 1208 IPC, etc. And fair



*investigation be made, the accused persons be arrested, case property be recovered from them, passport of accused no. 1 be seized and the accused persons be punished as per law.*

*Sd/-  
Complainant.”*

10. The petitioner is the sister-in-law of the complainant – wife in the FIR, i.e. respondent no. 2 herein.

11. The petitioner is named as accused No. 4 in the FIR. For convenience, the only allegations in the FIR against or concerning the petitioner and their context, though repetitive, are being culled out hereunder:

15. *“Criminal complaint against Mr. Siddharth Talwar S/o Sh. Sushil Kumar Talwar, Mrs. Pammi Talwar (Mother-in-law) W/o Sh. Sushi! Kumar Talwar, Mr. Sushi! Kumar Talwar, Ms Puja Rasne W/o Sh. Manoj Rasne All R/o 6AE3, Shatabdi Vihar, Sector-52, Naida U.P.-201301 and others, for registration of fir for cognizable offences u/s 323/307/511/341/384/38/389/403/406/498A/500/5061PC r/w sec 3&4 Dowry Prohibition Act/107, 1208 I PC, Sec 12 of Indian Passport Act etc. And investigation thereof.*

16. Xxx xxxxx

17. *In February 2008, the complainant gave birth to a female child. Upon this she was verbally and emotionally abused, humiliated and ridiculed for not giving birth to a male child. Accused no.2 to 4 coerced and forced the parental family of the complainant to sufficiently compensate the accused persons as the complainant gave birth to a daughter which they said was liability for all times to come. Thus in March 2010 the parental family of the complainant was forced to give a gold ring to the accused no.1 and 1 kg Silver & 4 gold coins weighing 10 grams each and to the complainant and 1 kg silver in 2012. Accused no. 1 to 4 have been ridiculing and taunting the complainant for not bearing the other child, specifically a male child.*

18. Xxx xxx



19. During the period October 2016 to February 2017, the accused no.4 with her husband Mr. Manoj Rasne came to stay at the matrimonial house. They in conspiracy with accused no. 2 kept on abetting and encouraging the accused no. 1 to commit domestic violence and cruelty upon the complainant and her daughter. The accused kept on insulting, humiliating, calling the complainant disgracefully as Bloody Bitch so frequently that she was nicknamed as Bitch.

20. Xxx xxx

21. Accused no.1 on 14/3/2017 again emotionally and physically abused the complainant as he threatened to commit suicide and falsely implicate the complainant and her parental family in abetment of suicide. The report made by the complainant to various authorities dated 14/3/2017 in on record. The accused no.1 continued with the domestic violence as on 17/4/2017 as he attempted to strangulate etc. The complainant. The complainant made the report to the various authorities which are filed herewith. The accused no. 1 to 4 did not relent in domestic violence. The report of the complainant a victim of domestic violence dated 19/5/2017 made to police authorities is filed herewith.

22. Xxx xxx

23. In the fact and circumstance an FIR against the said accused persons and others may kindly be registered for causing simple injury upon the person of the complainant, for wrongful restraint, for extortion, for extortion for putting the complainant under fear of causing grievous hurt, dishonesty causing misappropriation of the complainant/ her parents valuables/money, defamation, for demanding, for demanding and taking dowry etc and criminal conspiracy and abetment of the said offences thereof: punishable u/s 323/307/511/341/384/38/389/403/406/ 498A/500/506 IPC r/w sec 3&4 Dowry Prohibition Act/107, 1208 IPC, etc. And fair investigation.”

12. Let us now analyze these allegations.

12.1 As per FIR, the complainant was married to accused no. 1 on 19/4/2007 at New Delhi. It has been averred in petition that petitioner barely



shared the complainant's household since she was married in 06.10.2000 except from October 2016 to February 2017 and was always on the move because of her husband's transferable job in the Air Force. This factual position is not refuted on record or otherwise disputed by learned counsel for respondent No. 2.

12.2 It is not even alleged that following the birth of the complainant's female child in February 2008, or at later stage, the petitioner had come and stayed at the complainant's house and if so, her stay there was for any considerable period. In such a situation, it is highly improbable that the petitioner would have verbally and emotionally abused, humiliated and ridiculed the complainant for not giving birth to a male child and would have been taunting her for not bearing the other child, specifically a male child and/or coerced and forced the complainant and her parental family to sufficiently compensate the accused persons because of the birth of a daughter or that thereupon in March 2010 the parental family of the complainant would have been forced to give a gold ring to the accused no.1 and 1 kg Silver & 4 gold coins weighing 10 grams each and to the complainant and 1 kg silver in 2012.

12.3 Absolutely no specific date, occasion, details/particulars or any overt or covert acts of the petitioner have been mentioned in the FIR, from which it could be deduced that the petitioner had conspired with, abetted and encouraged the accused no. 1 (the complainant's husband since deceased) to commit domestic violence and cruelty upon the complainant and her daughter.

12.4 Same is the position qua the allegations that during the petitioner's





visit to/stay at the complainant's house from October 2016 to February 2017, the petitioner kept on insulting, humiliating, calling the complainant disgracefully as bloody bitch so frequently that she was nicknamed as bitch.

12.5 The petitioner was married in 06.10.2000 and is the elder sister of the complainant's husband, who were married in 2007. Before the complainant's marriage in 2007, the petitioner was already seven years into her own marriage. There is substance in the contention of her learned counsel that the petitioner was always on the move because of her husband's transferable job in the Air Force.

12.6 Admittedly, during the relevant period (October 2016 to February 2017), the petitioner's husband was also staying with her in the same house of her parents. They were their guests ((being the married daughter and son-in-law respectively) as also the guests of the complainant and her husband(since deceased). There is absolutely no allegation of any kind whatsoever against the petitioner's husband. It is highly improbable that the petitioner, in the presence of her husband, would have been insulting, humiliating, calling the complainant disgracefully as bloody bitch so frequently that she was nicknamed as bitch.

12.7 If at all, the petitioner had been indulging in any such mean behavior and conduct, her husband would have known or discovered such ugly things. Naturally, he would have been uncomfortable with the same and shown his displeasure and disapproval to the petitioner and her parental family. If nothing else, as a reasonable and prudent person, at least he would have withdrawn himself from the uncomfortable and embarrassing situation. Nothing of the sort is alleged to have happened.





12.8 Ex-facie all these allegations against the petitioner are without any substance and the same are not believable.

12.9 The impugned FIR was registered sometime in the year 2018 and for five years, the trial did not proceed and the delay in trial is also a contributory factor for this Court to exercise as an inherent jurisdiction to quash the FIR qua the petitioner. Of course, after the petitioner approached this Court, the trial as against the petitioner was stayed. Yet, the fact remains that for five years, it had not made any head way.

13. No doubt, section 498-A of the IPC was introduced to protect women from dowry related harassment and cruelty by their husbands and in-laws. However, an increased tendency to implicate the husband's relatives in matrimonial disputes, without proper scrutiny, for extraneous and malicious reasons, would be its utter misuse.

14. In the aforesaid context, reference may be had to the judgment rendered in ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr***<sup>3</sup>, it has also been observed:

*“32. It is a matter of common experience that most of these complaints under section 498A 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*

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<sup>3</sup> (2010) 7 SCC 667.



*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 498A 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.”*

15. In ***Kahkashan Kausar (Supra)***, Supreme Court reiterated 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 analyzing 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, his 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.”*

16. It is thus crucial to establish a prima facie case against the accused to prevent the misuse of legal provisions and ensure that the judicial process is not exploited.

17. General and omnibus allegations, which are broad and non-specific cannot and, as in the present case do not withstand legal scrutiny. Such allegations, if unchecked, can lead to the misuse of the process of law. This misuse could result in unnecessary trials that can have long-term ramifications for all parties involved. It is the duty of the court to prevent harassment of individuals have no substantial involvement in the alleged matrimonial cruelty.

18. There is another aspect of the matter, i.e. that the implications of levelling such like frivolous omnibus general allegations may even be counter-productive for the complainant. The complainant's frivolous allegations may divert her/ prosecution attention from genuine issues and undermine even the credibility of legitimate grievance. On the other hand, the accused like the petitioner herein, would face/suffer unwarranted legal battles, social stigma and emotional distress.

19. Long-term ramifications of proceeding with patently unbelievable allegations and baseless cases causes unnecessary additional burden on judicial system, miscarriage of justice and has a detrimental impact on the personal life of the accused person. It also risks discrediting the genuine purpose of Section 498A IPC, which is, to provide protection and justice to



victims of dowry harassment and matrimonial cruelty.

20. While Section 498A IPC is crucial for protecting women from matrimonial cruelty and dowry harassment, its misuse through broad and unsubstantiated allegations against the husband's relatives must be checked. Only if the allegations stand the legal scrutiny and *prima facie* exist, that proceedings in trial should then continue. For, such an approach protects innocent individuals from facing unnecessary litigation and consequential hardships, harassment and humiliation in the matrimonial crossfire.

21. In the light of facts and circumstances brought out, the observations recorded in the preceding part of this order, the principles enunciated in the judgements *ibid*, I am of the opinion that registration of the impugned FIR and continuance of proceedings therein against the petitioner is an abuse of process of law and that in order to secure the ends of justice, the said FIR as against the petitioner is liable to be quashed.

22. Resultantly, the petition is allowed. The FIR No. 352/2018 dated 08.12.2018 registered under Sections 498A/406/34 of IPC at Police Station Patel Nagar, Delhi and consequential proceedings as against the petitioner are quashed, with consequences to follow. The interim order staying of the trial, which, in any case, was only confined to the petitioner, stands vacated.

23. The trial against the other co-accused shall continue proceed in accordance with law.

**ARUN MONGA, J**

**AUGUST 29, 2025**

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