



NON-REPORTABLE

CRIMINAL APPEAL NO. OF 2025
(Arising out of SLP (CrI.) No. 7597/2025)

...APPELLANT(S)

VERSUS

... RESPONDENT (S)

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Although respondent No.2 was served on 10.06.2025, there is no appearance on her behalf.

3. Being aggrieved by the order dated 20.02.2025 passed by the High Court for the State of Telangana at Hyderabad in Criminal Petition No.3995/2023, the appellants are before this Court.

4. Briefly stated, the facts of the case are that respondent No.2 herein is the complainant and appellant Nos.1 and 2 are the accused mother-in-law and father-in-law, respectively. Marriage between respondent No.2 and the son of the appellant(s), namely, [REDACTED] [REDACTED], was solemnised on 12.08.2012 at [REDACTED] [REDACTED], Hyderabad. Out of wedlock, a girl child, namely [REDACTED], was born on 01.11.2013.

5. On 04.03.2023, respondent No.2 filed a complaint with the SHO, Women P.S., Nalgonda alleging that at the time of the marriage, on the demand made by her husband and his family members, respondent No.2's family had given Rupees Four Lakhs Fifty Thousand in cash, 9 tolas (90 gms.) of gold ornaments and domestic utensils. It was stated that respondent No.2 and her husband lived happily together for eight years. However, after the birth of their daughter, the husband of respondent No.2, influenced by the words of the appellant(s), sister-in-law and sister-in-law's husband, started abusing her in vulgar language and used to beat her, demanding additional dowry of Rupees Four Lakhs. To resolve the matrimonial discord between the parties, a panchayat was convened on the request of respondent No.2 and her family. However, to respondent No.2's dismay, her husband did not attend the panchayat meeting.

6. Thereafter, respondent No.2 filed a complaint with the SHO, Women P.S., Nalgonda pursuant to which, a counselling session for her husband and appellant(s) was conducted, wherein her husband assured that he would treat his wife and daughter well. Despite such assurances, respondent No.2 was severely beaten by her husband and his family, including the appellant(s) herein, who demanded additional dowry. In view of the foregoing circumstances, respondent No.2 was forced out of her matrimonial home. Furthermore, respondent No.2, for the

past two years, was trying to contact her husband, but he did not respond to her phone calls, abandoning respondent No.2 and their daughter without any financial or emotional support.

7. Subsequent to the aforesaid complaint, on 04.03.2023, FIR bearing No.28/2023 came to be registered with P.S. Nalgonda Women P.S., District Nalgonda against six accused persons including the appellant(s) herein for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and under Section 4 of the Dowry Prohibition Act, 1961 (for short, "DP Act"). On 18.03.2023, after completion of the investigation, the I.O., Women PS, Nalgonda, filed a chargesheet bearing No.38/2023 against the accused persons under Sections 498A, 323, 504 read with Section 34 of the IPC and under Section 3 and 4 of the DP Act. A case bearing C.C. No.338/2023 was committed to the Special Judicial First Class Magistrate (Prohibition and Excise Offence) at Nalgonda (for short, "trial court").

8. The trial court, by its order dated 02.05.2023, took cognisance of the offences under Sections 498A, 323, 504 read with Section 34 of the IPC and under Section 3 and 4 of the DP Act alleged against respondent No.2's husband and the appellant(s) herein.

9. Being aggrieved, the appellant(s) preferred a petition bearing Criminal Petition No.3995/2023 before the High Court under Section 482 of the Code of Criminal Procedure, 1973 (for short, "CrPC"), seeking quashing of the proceedings in C.C. No.338/2023 pending before the trial court.

10. By the impugned order dated 20.02.2025, the High Court recorded its unwillingness to interfere with the criminal proceeding pending against the appellant(s) and disposed of the quashing petition by reserving liberty to apply for discharge before the concerned court.

11. We have heard learned counsel for the appellant(s) and learned counsel appearing for respondent No.1/State and perused the material on record. As already noted, respondent No.2 has failed to appear before this Court.

12. The appellant(s) herein are the mother-in-law and father-in-law of respondent No.2. They had filed a petition under Section 482 of the CrPC seeking quashing of the proceedings instituted against them in C.C. No.338/2023 pending on the file of the Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda alleging offences punishable under Sections 498-A, 323, 504 read with Section 34 of the IPC and Sections 3 and 4 of the DP Act.

13. By the impugned order, the said criminal petition has been disposed of reserving liberty to the appellant(s) herein to seek discharge in accordance with law. Hence, this appeal.

14. The case at hand pertains to allegations of cruelty and dowry demand made by the respondent No.2 against the appellant(s) herein. A bare perusal of the FIR however, shows that the allegations made by respondent No.2 are vague and omnibus inasmuch as there is an absence of any specific instance or occasion detailed with particulars wherein the appellant(s) demanded dowry from respondent No.2 and on refusal of the same, subjected her to mental and physical cruelty. The only allegations levelled by respondent No.2 against the appellants herein are that subsequent to the birth of her daughter, the conduct of her husband underwent a change, which is stated to have been on account of the alleged inducement exercised by the in-laws including the appellant(s) herein for the purpose of demanding additional dowry and that pursuant to the counselling conducted at the Women Police Station, Nalgonda, although the husband of respondent No.2 and his family assured that she would be treated properly, they nevertheless continued to subject respondent No.2 to mental and physical cruelty.

15. We therefore find that the aforesaid allegations levelled against the appellant(s), even if taken at their face value,

do not *prima facie* disclose the commission of the alleged offences so as to warrant the initiation of criminal proceedings.

16. During the course of submissions, learned counsel for the appellant(s) brought to our notice the judgment of this Court in the case of Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735 ("Dara Lakshmi Narayana") as well as other judgments which squarely apply to this case. We have perused the same.

17. This Court speaking through one of us (B.V. Nagarathna, J.) in Dara Lakshmi Narayana, while dealing with the issue of quashing of criminal proceedings instituted by the respondent wife therein against her husband and in-laws who were charged with offences punishable under Sections 498A of the IPC and Sections 3 and 4 of the DP Act, 1961, held as follows:

"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. In the present case,

Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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30. The inclusion of Section 498-A 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 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 498-AIPC 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 scrutinised, 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 498-A 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.

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31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A 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 498-A 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.

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34. We, therefore, are of the opinion that the impugned FIR No. 82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal scores and grudges against Appellant 1 and his family members i.e. Appellants 2 to 6 herein. Hence, the present case at hand falls within Category (7) of illustrative parameters highlighted in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] . Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

(underlining by us)

18. Having regard to the facts and circumstances of this case, we find that the judgment of this Court in Dara Lakshmi Narayana would apply. Hence, the impugned order of the High Court is set aside. The proceedings instituted against the appellant(s) in C.C. No.338/2023 pending on the file of the Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda stand quashed in relation to the appellants herein.

19. The appeal is allowed in the aforesaid terms.

Pending application(s) if any shall stand disposed of.

.....J.
[B.V. NAGARATHNA]

.....J.
[R. MAHADEVAN]

NEW DELHI;
DECEMBER 16, 2025.