

2025:PHHC:122330



**IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH**

**CRM-M-24183-2018 (O&M)**

**Reserved on: 04.09.2025**

**Pronounced on: 10.09.2025**

**DHEERAJ AND OTHERS**

**...Petitioners**

**V/S**

**STATE OF HARYANA AND ANOTHER**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Present: Mr. R.K. Chaudhary, Advocate  
for the petitioner

Mr. Kshitij Bharti, Assistant Advocate General, Haryana.

None for respondent No. 2.

**SHALINI SINGH NAGPAL, J. (ORAL)**

This petition under Section 482 Cr.P.C. seeks quashing of FIR No. 617 dated 11.07.2017 under Sections 323, 498-A, 406, 506, 376, 120-B and 34 Indian Penal Code, Police Station Model Town Panipat and all consequential proceedings arising therefrom, qua the petitioners.

The facts, as narrated by respondent No. 2 in the first report to the police are that complainant was married with accused-Manish on 11.03.2016 as per Hindu rites and ceremonies. At the time of marriage, her parents paid Rs. 7,00,000/-, beyond their capacity and sufficient household articles were given in dowry. Soon after the marriage, the in-laws started harassing her for dowry. Her father-in-law, mother-in-law demanded gold jewellery, cash etc. and when she expressed inability, she was beaten up. The mother-in-law kept her



jewellery and did not permit her to use the same. Complainant further alleged that due to non fulfillment of demands, her husband did not have sexual relations with her. Her brother-in-law, Rajesh, made obscene gestures and one day when she was alone, he tried to commit rape upon her, which attempt she resisted. When she narrated the incident to her husband and in-laws, she was threatened and asked to keep quite. Her in-laws thrashed and expelled her from the matrimonial home. On the asking of her parents, she returned. She moved an application before Women Police Station, Panipat, in September 2016, whereafter, her husband and in-laws assured that they would not harass her for dowry. She was taken to the matrimonial house in September 2016.

Complainant further alleged that on 08.11.2016, when her husband and in-laws were away, her brother-in-law, finding her alone, committed rape against her wishes and threatened to kill her, in case she disclosed the incident. When, she complained to her husband and in-laws, she was asked to remain mum and threatened with dire consequences, in case she dared to disclose the incident. On 11.11.2016, her husband took her to Jakoli, where she started living with him. He tried to make relations with her, but could not succeed. Complainant further alleged that her husband and his family members concealed the fact that her husband was impotent and a fraud was practiced on her. In this regard, a Panchayat was convened, in which, her husband admitted that he was impotent and agreed to get himself treated. Her family members got him treated in a clinic in Panipat, but he could not be cured. On 18.02.2017, her



husband and in-laws demanded dowry, gave her severe beatings and turned her out of the matrimonial home, with threat of death, in case she returned empty handed. Her *stree dhan* was retained by the in-laws.

Status report by way of an affidavit of Deputy Superintendent of Police, CAW Panipat had been filed by respondent No. 1. In the status report, State of Haryana, submitted that statement of complainant/respondent No. 2 was recorded under Section 164 Cr.P.C. It was stated that petitioner No. 2, petitioner No. 3 were joined in investigation, interrogated and their disclosure statements were recorded that on mutual discussion they had decided to send Rajesh to complainant in place of Vinod, who was not capable of performing sexual intercourse, as they wanted the lineage of the family to continue. It was stated that on conclusion of investigation, the police submitted final report under Section 173 Cr.P.C. against accused Rajesh, Vinod Kumar, Dheeraj, Vidya Devi and Mohan Lal for trial in respect of offences punishable under Sections 323, 376, 406, 498-A, 506, 120-B and 34 IPC.

Respondent No. 2 initially put in appearance through Mr. Karan Singh Malik, Advocate, on 10.05.2019, whereafter, none appeared on her behalf.

Petitioners before this Court are the brother-in-law Dheeraj, mother-in-law Vidya Devi and father-in-law Mohan Lal. Vide order dated 31.05.2018, proceedings against the petitioners were ordered to be stayed. Concededly, learned trial Court has framed charges under Section 323, 498-A,



506 and 34 IPC against accused Vinod and accused Rajesh, while charge under Section 376 IPC has been framed against accused-Rajesh. The position of law that there is no prohibition against quashing of criminal proceedings even after charge sheet is filed, is well entrenched.

Learned counsel for the petitioners argued that respondent No. 2 and her husband-Vinod had started living separately from the family and they were not residing with the petitioners. A false FIR was lodged to rope in all family members in the criminal case. He further submitted that the real cause of the dispute was neither cruelty on account of demand for dowry, nor harassment in connection therewith. In fact, respondent No. 2 did not have cordial relations with her husband, Vinod as she believed that he was impotent and this was clear from her statement recorded under Section 164 Cr.P.C. A bare look at the statement would show that petitioners had been falsely implicated only to create pressure. Referring to the contents of the statement, it was argued that no specific allegations were made against the petitioners. It was submitted that there was a growing tendency of levelling false allegations against all family members of the husband and the beneficial provisions of Section 498-A IPC were being misused. Learned counsel submitted that it was a fit case for exercising inherent jurisdiction under Section 482 Cr.P.C. to quash the FIR.

Learned State counsel, opposed the prayer arguing that investigation of the case had been completed and final report had been submitted in the Court. Trial was in progress and merits of the case would be



examined in trial Court. It was submitted that inherent jurisdiction of the Court could not be invoked to short cut the regular trial process, as there was sufficient material collected during investigation against the petitioners. He further submitted that disputed questions of fact could not be adjudicated in quashing proceedings and no relief could be granted in the petition, prejudicing the statutory process of trial. It was further argued that though the charge under Section Section 376 IPC was only framed against Rajesh, who was not petitioner before this Court, however, all petitioners were also involved in the offence under Section 376 IPC as they conspired together to send Rajesh to respondent No. 2 for sexual intercourse against her will. A prayer was made for dismissal of the petition.

Hon'ble Supreme Court of India, in ***State of Haryana and Others Vs. Bhajan Lal and Others, 1992 AIR 604***, has considered all earlier precedents and has laid down the principles, which the High Court must consider, while exercising its jurisdiction under Section 482 Cr.P.C. for quashing of proceedings. Following observations of Hon'ble Supreme Court need to be reproduced:

*"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:*

*(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 Act concerned (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 Act concerned, providing efficacious redress for the grievance of the aggrieved party.*

*(7) Where a criminal proceeding is manifestly attended with mala fides 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."*

**In *Kahkashan Kausar Vs. State of Bihar*, (2022) 6 SCC 599,**

Hon'ble Supreme Court observed as under:

*"11.....that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater*



*disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A IPC as instruments to settle personal scores against the husband and his relatives.*

*18. ... upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy". Furthermore, no specific and distinct allegations have been made against either of the appellants herein ie. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes... However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.*

*21. ...it would be unjust if the appellants are forced to go through the tribulations of a trial ie. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars*



*upon the accused, and such an exercise must, therefore, be discouraged.”*

In ***Kailashben Mahendrabhai Patel Vs. State of Maharashtra and Another*** 2024 SCC OnLine SC 2621, Hon’ble Supreme Court cautioned the High Courts while exercising powers under Section 482 Cr.P.C., or under Article 226 of Constitution of India observing that it is the duty of the High Courts to examine the allegations with care and caution, when its jurisdiction is invoked on the ground that the complaint/FIR was manifestly frivolous, vexatious or instituted with ulterior motive to wreck vengeance.

Relevant portion of another decision of Hon’ble Supreme Court in ***Mohd. Wajid and Another Vs. State of U.P. and Others*** 2023 SCC OnLine SC 951, is also reproduced hereinbelow:

*“30. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under [Section 482](#) of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under [Article 226](#) of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that*



*the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under [Section 482](#) of the CrPC or [Article 226](#) of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”*

Section 498-A IPC reads as under::

“498A. Husband or relative of husband of a woman subjecting her to cruelty.- Whoever, being the husband or the relative of the husband of a



woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty" means—

- (a) any willful conduct which is 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 (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing 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.”

The Court is required to deal with the matter with due care and caution and to lift the veil to examine other attending circumstances, over and above the contents of FIR to objectively assess whether the complaint has been instituted with ulterior motive. The matter requires intense and deeper scrutiny to cull out the truth. As per guidelines laid down in *Mohd. Wajid's case*, the FIR is not to be examined superficially. Over all circumstances have to be taken into account including the evidence collected in the course of investigation.



What is most relevant in the case is the statement of respondent No. 2 made during the course of investigation, under Section 164 Cr.P.C. The same has been reproduced in the status report and reads as thus:

*“This statement I am giving of my own free will and without any pressure. My marriage was solemnized with Vinod on 11.03.2016. He was impotent, but this fact was not disclosed to us before the marriage. Even after marriage, he did not inform me about the same. He was unable to establish physical relations with me. I also got him treated for a period of six months, but there was no improvement. My brother-in-law used to harass me and make obscene gestures towards me. On 08.11.2016, when I was alone at home, my brother-in-law committed a wrongful act with me. When I narrated this incident to my in-laws, they threatened me that if I disclosed the matter to anyone else, they would kill my family members. Prior to this incident, in July-August 2016, I had already submitted an application in the Women Police Station against my mother-in-law, father-in-law and husband. After the incident dated 08.11.2016, I refused my husband to stay at home. Thereafter, he took me along with him to Jakouli, where we started living alone. However, despite treatment, my husband did not get any relief. Later, he drove me out of there, saying that since he was not cured, there was no purpose for me to stay with him. Before the marriage itself, they had demanded a motorcycle from us. They also used to demand cash from us. Legal action be taken against the accused persons.”*



The essence of the above statement of complainant is the alleged impotency of the husband-Vinod and the alleged wrongful act committed by Rajesh, the brother-in-law on 08.11.2016. It is noteworthy that there is no allegation against the petitioners regarding the alleged act of the brother-in-law, except that they asked respondent No. 2 to keep quite about it. The main grievance of respondent No. 2, appears to be that her husband was impotent and this fact was not disclosed to her before marriage. It also comes out from the statement that after alleged wrong act on 08.11.2016, respondent No. 2 and her husband started living separately at Jhakoli and when he did not get any relief despite treatment, he drove her out of her house. Towards the end, the petitioner states that *“before the marriage itself, they had demnded a motorcycle from us. They also used to demand cash from us. Legal action be taken against the accused persons.”*

Statement under Section 164 Cr.P.C. of respondent No. 2 would reveal that the allegations against the petitioners are general in nature and do not, *prima facie*, make out a case against them. There is no specific role assigned to the petitioners nor any specific particulars have been averred, as to when and in what manner, they harassed respondent No. 2 for dowry and when the demands were raised. No specific and distinct allegations are forthcoming. Even the contents of the FIR when examined minutely, are not specific, concrete and precise. It appears that petitioners have been roped in with ulterior motive only to enlarge the arena of accused.



In *Dara Laxman Narayan and Others Vs. State of Telangana and Another* 2024 INSC 953, Hon'ble Supreme Court held thus:

“xxxxxx

25. 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.

xxxxxx”

Thus, even if statement of complainant/respondent No. 2 recorded under Section 164 Cr.P.C. is taken at its face value, it would not *prima facie* make out a case against the petitioners, who have been dragged in the litigation for no fault of theirs. The case falls in the category (7) enumerated in *Bhajan Lal's case (supra)*. Continuation of criminal proceedings against the petitioners would be an abuse of the process of the Court. None of the ingredients of



Section 498-A, 323, 504, 376, 506 and 120-B IPC are made out against the petitioners. It is, therefore, a fit case to quash the FIR.

Observations of this Court shall, however, not be taken as an expression of opinion on merits of the trial, which is still pending and continuing against the husband and brother-in-law (non-petitioners). Learned trial Court shall proceed and decide the matter, in accordance with law, without being influenced by the observations made in this order.

The petition is allowed. FIR No. 617 dated 11.07.2017 under Sections 323, 498-A, 406, 506, 376, 120-B and 34 Indian Penal Code, Police Station Model Town Panipat and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

(SHALINI SINGH NAGPAL)  
JUDGE

**Reserved on: 04.09.2025.**

**Pronounced on: 10.09.2025**

*Ajay Goswami*

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes