

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. Appeal No. 122 of 2013**

**Reserved on: 01.12.2025**

**Date of Decision: 01.01.2026**

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Vipin Kumar

...Appellant

Versus

State of H.P.

...Respondent

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*Coram*

***Hon'ble Mr Justice Rakesh Kainthla, Judge.***

***Whether approved for reporting?<sup>1</sup> No***

For the Appellant : Mr Raju Ram Rahi, Advocate.

For the Respondent : Mr Ajit Sharma, Deputy Advocate  
General.

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**Rakesh Kainthla, Judge**

The present appeal is directed against the judgment of conviction dated 26.03.2013 and order of sentence dated 30.03.2013, passed by learned Additional Sessions Judge, Una, H.P., (learned Trial Court), vide which the appellant (accused before learned Trial Court) was convicted of the commission of an offence punishable under Section 498A of Indian Penal Code (IPC) and was sentenced to undergo simple imprisonment for two years, pay a fine of ₹5,000/- and in default of payment of

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<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

fine, to undergo further simple imprisonment for 30 days. *(Parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.)*

2. Briefly stated, the facts giving rise to the present appeal are that the police presented a challan against the accused before the learned Trial Court for the commission of offences punishable under Sections 498-A and 306 of the Indian Penal Code (IPC). It was asserted that Sunita Kumari (since deceased) is the daughter of the informant Suresh Kumar (PW1). She was married to Vipin Kumar (accused) in the year 2007. One son was born to her. Vipin Kumar was working as a Halwai in Hoshiarpur. However, he had started raising the construction of the house and was residing in his home at Una. The informant and Raj Kumari (PW2) went to the house of the accused on 06.05.2012. Sunita Devi did not talk to them and told them angrily that she had no relations with them. The informant repeatedly enquired as to why she was saying so. Sunita cried and said that the informant had pushed her away. The informant made inquiries from Vipin, but he did not reveal anything. He counselled Vipin. The informant and his wife returned to their home. Vipin informed the informant on 08.05.2012 that Sunita Devi had died

after consuming some medicine. The matter was reported to the police. An entry No. 39 (Ext.PW8/D) was recorded in the Police Station. ASI Charanjit Kumar (PW9) and Constable Hardeep Kumar (PW7) were deputed to verify the correctness of information. ASI Charanjit (PW9) conducted the inquest on the dead body and prepared the reports (Ext.PW5/B and Ext. PW5/C). He clicked the photographs of the dead body (Ext.P1 to Ext.P3). Dr Ravinder Mohan (PW5) conducted the postmortem examination of Sunita and found that she had not sustained any injuries. He preserved her viscera and handed them over to ASI Charanjit Kumar (PW9) for chemical analysis. He issued the report (Ext.PW5/D). Suresh Kumar (PW1) made a statement (Ext.PW1/A), which was sent to the Police Station, where FIR (Ext.PW8/A) was registered. SI Mohinder Singh (PW10) investigated the matter. He went to the spot and prepared the site plan (Ext.PW10/A). ASI Charanjit Kumar (PW9) took the photographs (Ext.P4 and Ext.P5) of the spot. SI Mohinder Singh (PW10) scraped the vomit of the deceased from the courtyard of the house and put it in a container. He put the container in a parcel and sealed the parcel with three seals of seal 'A'. He seized the parcel vide memo (Ext.PW4/A). He found one tube of Celphos

without a lid. He put the tube in a parcel and sealed the parcel with three seals of seal 'A'. He seized the parcel vide memo (Ext. PW4/B). SI Mohinder Singh (PW10) filed an application (Ext. PW6/A) for obtaining the marriage certificate. Rakesh Kumar (PW6) issued the marriage certificate (Ext. PW6/B). The case property was sent to SFSL for chemical analysis. The result (Ext. PW5/E) was issued, mentioning that Phosphine gas was detected in the viscera, vomit and tube labelled as Celphos. No other poison could be detected in the case property. Dr Ravinder Mohan (PW5) issued the final opinion that the cause of death was Aluminum Phosphide poisoning, and the probable time between the death and the postmortem was 16 hours. The statements of witnesses were recorded as per their version, and after the completion of the investigation, the challan was prepared and presented before the learned Judicial Magistrate First Class, Court No. 1, Una, District Una, who committed it to the Court of Sessions for trial.

3. Learned Sessions Judge assigned the matter to learned Additional Sessions Judge, Una, District Una (learned Trial Court).

4. The learned Trial Court found sufficient reasons to frame the charges for the commission of offences punishable under Sections 498A and 306 of IPC, which were read over and explained to the accused, who pleaded not guilty and claimed to be tried.

5. The prosecution examined 10 witnesses to prove its case. Informant Suresh Kumar (PW1) and Raj Kumari (PW2) are the parents, and Mohinder Kumar (PW3) is the cousin of the deceased. Pinki Devi (PW4) is the sister-in-law/neighbour of the accused. Dr Ravinder Mohan (PW5) conducted the postmortem examination of the deceased. Rakesh Kumar (PW6) proved the marriage certificate. Constable Hardeep Kumar (PW7) carried the case property to SFSL Junga. HC Pawan Kumar (PW8) was working as MHC with whom the case property was deposited. ASI Charanjit Singh (PW9) conducted the inquest on the dead body. SI Mohinder Singh (PW10) investigated the matter.

6. The accused, in his statement recorded under Section 313 of the CrPC, admitted that he was married to Sunita. He denied the rest of the prosecution's case. He stated that Sunita was never subjected to any cruelty. The deceased had cordial

relation with him. The witness deposed falsely against him. He did not produce any evidence in defence.

7. Learned Trial Court held that the evidence on record established that the accused started harassing, maltreating and beating the deceased. He used to leave her in her parental home on the pretext that he had no means to maintain her. She delivered the child in her parental home. The accused did not visit her after the delivery of the child. It was duly proved on record that the accused had subjected the victim to cruelty of such a nature as was sufficient to drive the deceased to commit suicide or cause grave injury to her life. However, the evidence did not show that the accused had harassed the victim to such an extent that she was left with no option but to commit suicide. Hence, the learned Trial Court acquitted the accused of the commission of an offence under Section 306 of IPC but convicted him of the commission of an offence punishable under Section 498A of IPC and sentenced him as aforesaid.

8. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused has filed the present appeal asserting that the learned Trial Court misread and misappreciated the evidence on record. The statement of the

informant was not corroborated by any independent witness. Pinki (PW4) specifically stated that she had not heard the noise of any quarrel from the house of the accused. She is an immediate neighbour of the accused and the best witness to depose about the cruelty. The prosecution relied upon the testimonies of the related witnesses to prove its case. The ingredients of commission of an offence punishable under Section 498A of IPC were not satisfied, and the learned Trial Court erred in convicting and sentencing the accused. Hence, it was prayed that the present appeal be allowed and the judgment and order passed by the learned Trial Court be set aside.

9. I have heard Mr Raju Ram Rahi, learned counsel for the appellant/accused, and Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/State.

10. Mr Raju Ram Rahi, learned counsel for the appellant/accused, submitted that the testimonies of the prosecution's witnesses are highly vague and general in nature. No particulars of date, time and place were given. Pinki (PW4) did not support the prosecution's case. She is the immediate neighbour of the accused and the best witness to depose about harassment. Learned Trial Court erred in convicting and

sentencing the accused. Therefore, he prayed that the present appeal be allowed and the judgment and order passed by the learned Trial Court be set aside.

11. Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/State, submitted that the prosecution's witnesses categorically stated that the accused had harassed and beaten the victim. The victim had even confided in her parents about the harassment before her death. The plea of the accused that the relationship between him and the victim was cordial does not explain the commission of suicide by the deceased. Therefore, he prayed that the present appeal be dismissed.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in *Neelu Chopra v. Bharti*, (2009) 10 SCC 184: (2010) 1 SCC (Cri) 286: 2009 SCC OnLine SC 1693 that the Court has to see that particulars of the offences committed by every accused and the role played by the accused in committing the offence are given in the complaint made to the police. It was observed: -

*“9. To lodge a proper complaint, the mere mention of the sections and the language of those sections is not the be-all and end-all of the matter. What is required to be brought to*

*the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing that offence.*

10. When we see the complaint, it is sadly vague. It does not show as to which of the accused has committed what offence, and what is the exact role played by these appellants in the commission of the offence. There could be said that something is against Rajesh, as the allegations are made against him more precisely, but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a vague and general complaint which is silent about the precise acts of the appellants.” (Emphasis supplied)

14. Similarly, it was held in *Abhishek v. State of M.P., 2023 SCC OnLine SC 1083: 2023 INSC 779* that the tendency of false implication by way of general omnibus allegations, if left unchecked, would result in the misuse of the process of law. It was observed:

“13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599]*, this Court had occasion to deal with a similar situation where the High Court had refused to quash an FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased

tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife, and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused, and such an exercise ought to be discouraged.

14. In *Preeti Gupta v. State of Jharkhand* [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that 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, such as allegations of harassment by the husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

15. Earlier, in *Neelu Chopra v. Bharti* [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof for lodging a complaint is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC." (Emphasis supplied)

15. It was held in *Achin Gupta v. State of Haryana*, 2024 SCC

*OnLine SC 759:2024 INSC 369* that asking a person to face criminal

allegations without any specific instance of criminal misconduct amounts to an abuse of the process of the Court. It was observed:

“18. The plain reading of the FIR and the chargesheet papers indicates that the allegations levelled by the First Informant are quite vague, general and sweeping, specifying no instances of criminal conduct. It is also pertinent to note that in the FIR, no specific date or time of the alleged offence/offences has been disclosed. Even the police thought it fit to drop the proceedings against the other members of the Appellants' family. Thus, we are of the view that the FIR lodged by Respondent No. 2 was nothing but a counterblast to the divorce petition & also the domestic violence case.

*25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.” (Emphasis supplied)*

16. It was further held that in matrimonial disputes, the parents, including the close relatives, make a mountain out of a molehill, and every matrimonial conduct amounting to nuisance does not constitute cruelty. It was observed: -

“32. Many times, the parents, including the close relatives of the wife, make a mountain out of a molehill. Instead of salvaging the situation and making every possible endeavour to save the marriage, their action, either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about the

destruction of the marriage over trivial issues. The first thing that comes to mind for the wife, her parents and her relatives is the Police as if the Police is the panacea of all evil. No sooner does the matter reach the Police than even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance of each other's faults, to a certain bearable extent, has to be inherent in every marriage. Petty quibbles and trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hyper-sensitive approach would prove to be disastrous for the very institution of marriage. In matrimonial disputes, the main sufferers are the children. The spouses fight with such venom in their hearts that they do not think even for a second that if the marriage would come to an end, then what would be the effect on their children? Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that, instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the Police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The Police machinery cannot be utilised for the purpose of holding the husband to ransom so that he could be squeezed by the wife at the instigation of her parents, relatives or friends. In all cases where the wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of

the IPC. Every matrimonial conduct which may cause annoyance to the other may not amount to cruelty. Mere trivial irritations and quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty”

17. Similarly, it was held in *Mamidi Anil Kumar Reddy v. State of A.P.*, 2024 SCC OnLine SC 127: 2024 (2) SCR 252 that the phenomenon of false implication by a general omnibus allegation in the case of a matrimonial dispute is not unknown to the Court. It was observed: -

“14. In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not *prima facie* make out a case against the Appellants. The material on record neither discloses *any* particulars of the offences alleged nor discloses the specific role/allegations assigned to *any* of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In *Kahkashan Kausar alias Sonam v. State of Bihar* (2022) 6 SCC 599, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.

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17. Considering the dicta in *Mahmood Ali* (supra), we find that the High Court, in this case, has failed to exercise due care and has mechanically permitted the criminal proceedings to continue despite specifically finding that the allegations are general and omnibus in nature. The Appellants herein approached the High Court on *inter alia* grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by Respondent No. 2. In these peculiar circumstances, the High Court had a duty to consider the allegations with great care and circumspection so as to protect against the danger of unjust prosecution.”

18. It was laid down by the Hon’ble Supreme Court in *Kailashben Mahendrabhai Patel v. State of Maharashtra, 2024 SCC OnLine SC 2621*, that general and vague allegations of cruelty made against the husband and his relatives are not sufficient to constitute cruelty. It was observed: -

“10.1 The tendency to make general, vague, and omnibus allegations is noticed by this Court in many decisions. In *Usha Chakraborty v. State of W.B. 2023 SCC OnLine SC 90*, this court observed that:

“16... the respondent alleged commission of offences under Sections 323, 384, 406, 423, 467, 468, 420 and 120B, IPC against the appellants. A bare perusal of the said allegation and the ingredients to attract them, as adverted to hereinbefore, would reveal that the allegations are vague and they do not carry the essential ingredients to constitute the alleged offences.... The ingredients to attract the alleged offence referred to hereinbefore and the nature of the allegations contained in the application filed by the respondent would undoubtedly make it clear that the respondent had failed to make specific allegations

against the appellants herein in respect of the aforesaid offences. The factual position thus would reveal that the genesis as well as the purpose of criminal proceedings are nothing but the aforesaid incident, and further that the dispute involved is essentially of a civil nature. The appellants and the respondents have given a cloak of a criminal offence in the issue..”

10.2 Similarly, dealing with allegations lacking in particulars and details, in *Neelu Chopra v. Bharti (2009) 10 SCC 184*, this court observed that:

“7. ...what strikes us is that there are no particulars given as to the date on which the ornaments were handed over, as to the exact number of ornaments or their description and as to the date when the ornaments were asked back and were refused. Even the weight of the ornaments is not mentioned in the complaint, and it is a general and vague complaint that the ornaments were sometimes given in the custody of the appellants, and they were not returned. What strikes us more is that even in Para 10 of the complaint, where the complainant says that she asked for her clothes and ornaments, which were given to the accused, and they refused to give these back, the date is significantly absent.”

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12. The complaint also refers to a small incident where the complainant's brother accompanied her to the matrimonial house when appellants no. 1 and 3 are alleged to have refused to take her back, but on persuasion by her brother, she was allowed to stay. There is also a vague allegation that, when the complainant gave birth to a second child, appellants 1 and 2 came and “quarrelled” with the complainant, her brother, and her parents and threatened them. This Court had occasion to examine the phenomenon of general and omnibus allegations in the cases of matrimonial disputes. In *Mamidi Anil Kumar Reddy v. State of A.P. 2024 SCC OnLine SC 127*, this Court observed that:

“14. ...A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not prima facie make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged nor discloses the specific role/allegations assigned to any of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In *Kahkashan Kausar alias Sonam v. State of Bihar*, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.”

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**13.1** In *Kahkashan Kausar v. State of Bihar (2022) 6 SCC 599*, this Court noticed the injustice that may be caused when parties are forced to go through the tribulations of a trial based on general and omnibus allegations. The relevant portion of the observation is as under:

“11. ... In recent times, matrimonial litigation in the country has also increased significantly, and there is 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 Section 498-A 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 the accused harassed her mentally and threatened her with terminating her pregnancy. Furthermore, no specific and distinct allegations have been made against either of the appellants herein, i.e. none of the appellants has 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, i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo a 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.”

19. This position was reiterated in *Dara Lakshmi Narayana v. State of Telangana, 2024 SCC OnLine SC 3682*, wherein it was observed:

18. A bare perusal of the FIR shows that the allegations made by respondent No. 2 are vague and omnibus. Other than claiming that appellant No. 1 harassed her and that appellant Nos. 2 to 6 instigated him to do so, 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. Therefore, the FIR lacks concrete and precise allegations.

20. This position was reiterated in *Geddam Jhansi v. State of Telangana*, 2025 SCC OnLine SC 263, wherein it was observed:

“31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when the specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. The institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, the preservation of family relationships has always been emphasised. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings, rupturing the family bond, courts should be circumspect and judicious and should allow invocation of the criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged

incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

**33.** It goes without saying that genuine cases of cruelty and violence in the domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the house and not in the public gaze. Therefore, such violence is not noticed by the public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like the Protection from Domestic Violence Act, 2005, have been enacted with a very expansive meaning and scope of what amounts to domestic violence. Since violence perpetrated within the domestic sphere by close relatives is now criminalised, entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

**34.** For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment, and such an

acrimonious relationship would develop only in the course of time. Accordingly, such a situation would be the culmination of a series of acts which turn, otherwise, an amicable relationship into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, mere general allegations of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who is accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated on the victim and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without *prima facie* evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence would amount to abuse of the process of law.”

21. The prosecution evidence has to be appreciated as per the parameters laid down by the Hon’ble Supreme Court.

22. The informant's initial statement (Ext.PW1/A) does not mention any act of cruelty. It only mentions that the victim angrily told the informant that she had no relation with him, and when he made inquiries, she told him that the informant had pushed her away. He counselled the accused. The accused had earlier beaten and harassed the victim. This statement does not specify the date of the beatings or the nature of the harassment. The informant made a general statement that the accused had beaten and harassed the deceased, which is not sufficient as per the judgments of the Hon'ble Supreme Court.

23. Informant Suresh Kumar (PW1) stated that the deceased was annoyed and did not talk to him or his wife. She said after repeated asking that her life was ruined by marrying her to the accused. Vipin Kumar (accused) used to beat and maltreat her. She also told the informant that the accused had demanded money from her for the construction of his house. The informant advised Sunita and the accused to maintain a respectful and harmonious relationship. The accused assured the informant not to beat Sunita. The accused had neglected Sunita from the very beginning. He used to leave her in her matrimonial home. He started beating her 5-6 months before the birth of her

daughter. He had left her in her matrimonial home during her pregnancy and took her after 11 months of the birth of the child. The accused did not pay any maintenance to her.

24. The statement made by him regarding the beatings given by the accused to the deceased, pressurising her to bring money for the construction of the house, leaving her in her matrimonial home during the pregnancy and beating her 5-6 months before her death is clearly an improvement because such facts were not mentioned by him in his initial statement. He was duly confronted with his previous statement recorded by the police, which was proved by SI Mohinder Singh (PW10), who specifically stated in his cross-examination that no demand for money, or no complaint of improper maintenance of the deceased, was revealed to him during the investigation. Therefore, no reliance can be placed upon the informant's statement.

25. The informant admitted in his cross-examination that he had not made any complaint to the police or the Panchayat regarding the maltreatment or beatings given to the deceased. He volunteered to say that he wanted to protect the honour of the family. This is no explanation at all. His daughter

was beaten and subjected to cruelty, and it is difficult to believe that he would have remained silent or allowed the victim to remain in her matrimonial home to endanger her life after the disclosure of any cruelty. He did not state that he had made any payment to the accused pursuant to the demand made by her. Hence, his contemporaneous conduct does not support his statement regarding the cruelty, and it is difficult to rely upon his testimony to conclude that the deceased was subjected to cruelty.

26. Raj Kumari (PW2) stated that the accused did not treat the deceased properly. He used to leave her in her matrimonial home. He left the deceased in her matrimonial home when she was two months pregnant. The accused took her with him when the child was 11 months old. The accused kept the deceased nicely for one month and thereafter left her in her matrimonial home by saying that he was unable to meet her expenses. The accused did not pay anything at the time of delivery of the child. The deceased informed her that the accused had beaten her (the deceased). She (Raj Kumari) and the informant went to the house of the accused. The deceased did not talk to them. Deceased revealed on their asking that she (deceased) was beaten by the accused, and she (deceased) had

sustained injuries. Raj Kumari questioned the accused, and the accused apologised. She stated in her cross-examination that she did not remember having disclosed to the police about leaving the deceased in her matrimonial home, non-payment of the maintenance or raising the demand. She volunteered to say that she was perplexed due to the death of her daughter. The fact that this witness has not told anything about the police regarding the harassment and leaving the deceased in her matrimonial home shows that she was improving upon her earlier version, and such a statement could not have been relied upon.

27. Mohinder Kumar (PW3) is the cousin of the deceased. He stated that the informant used to tell him about the demand for dowry and the beatings given to her (deceased) by the accused. He told his uncle Suresh to visit the house of the accused and advise him not to harass and beat the deceased. He stated in his cross-examination that he did not remember telling the police about the deceased remaining in her matrimonial home for 11 months. He had told the police about the demand for dowry, but it was not mentioned. He admitted that he never went to the house of the accused to talk to him.

28. The testimony of this witness is not satisfactory. He has not given the particulars and nature of the demand for dowry. He has not mentioned the date when the deceased had told him about the beatings given to her. He did not visit the matrimonial home of the deceased even after coming to know that she was being beaten. He is a cousin of the deceased and is interested in her welfare. The fact that he never visited the deceased after coming to know of the maltreatment would make it suspicious that the deceased had narrated any incident to him.

29. Pinki Devi (PW4) is the neighbour of the accused. She specifically denied that she had not heard the noise of the quarrel on 07.05.2012 or before that. She was permitted to be cross-examined, and she denied the previous statement recorded by the police. She admitted in her cross-examination by learned defence counsel that the accused had accompanied her and the deceased to the hospital and remained with them throughout the night. Sunita Devi (deceased) used to meet her regularly, and she had cordial relation with the accused. The deceased never mentioned any harassment by the accused.

30. The testimony of this witness does not support the prosecution's case. She is an immediate neighbour of the

deceased and known to her. Her statement that no complaint was made to her by the deceased would falsify the prosecution's case that the accused was harassing her.

31. There is no other evidence to support the prosecution's case. No injuries were detected by the Medical Officer during the postmortem, which falsifies the prosecution's version that the accused had beaten the deceased on the night of the incident or before that.

32. Learned Trial Court was impressed by the consistency in the testimonies of the prosecution witnesses, but failed to notice that the informant had not mentioned to the police in his initial statement about the cruelty or the harassment. The mother and cousin of the deceased had also improved upon their version and introduced the fact about the harassment in the statement on oath. The medical evidence also did not support the prosecution's version regarding the beating because no such injury was found on the person of the deceased. Therefore, the prosecution's version was not proved beyond a reasonable doubt, and the learned Trial Court erred in convicting and sentencing the accused.

33. No other point was urged.

34. In view of the above, the present appeal is allowed and the judgment and order passed by the learned Trial Court are ordered to be set aside, and the appellant/accused is acquitted of the charged offence. The fine, if deposited, be refunded to the appellant/accused after the expiry of the period of limitation, in case no appeal is preferred, and in case of appeal, the same will be dealt with as per the orders of the Hon'ble Supreme Court of India.

35. In view of the provisions of Section 437-A of the Code of Criminal Procedure [Section 481 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)], the appellant/accused is directed to furnish personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the learned Registrar (Judicial) of this Court/learned Trial Court, within four weeks, which shall be effective for six months with stipulation that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the appellant/accused, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

36. A copy of this judgment, along with the records of the learned Trial Court, be sent back forthwith. Pending miscellaneous application(s), if any, also stand(s) disposed of.

**(Rakesh Kainthla)**  
**Judge**

1<sup>st</sup> January, 2026  
(Nikita)