[2025] 5 S.C.R. 161 : 2025 INSC 505

Sushila & Ors.
v.
State of U.P. & Ors.

Criminal Appeal No. 2020 of 2025

16 April 2025

[Sanjay Karol and Prashant Kumar Mishra,* JJ.]

Issue for Consideration

Whether High Court correctly disposed of the prayer for quashing of the summoning order issued by the Trial Court in Complaint Case u/ss.498A, 323, 504, 506 of the Penal Code, 1860 and s.4 of the Dowry Prohibition Act, 1961 without deciding the quashing petition on merits.

Headnotes†

Penal Code, 1860 – ss.498A, 323, 504, 506 – Dowry Prohibition Act, 1961 – s.4 – K is the husband of respondent no.2 and appellants herein are relatives of K – Matrimonial dispute arose between K and respondent no.2 – K filed for divorce – Ex-parte divorce decree was passed by the Family Court – After 3 years from the passing of the divorce decree, respondent no.2 filed complaint u/s.156(3) CrPC – Pursuant thereto, Magistrate issued summons against the appellants u/s.498A IPC – Appellants filed petition u/s.482 CrPC for quashing of summoning order before the High Court which was dismissed – Correctness:

Held: Admittedly, the marriage has already been dissolved by a decree of divorce passed on 31.05.2012 and the present complaint was filed after three years of divorce – Except for the bald statement against the appellants, the other allegations are against the husband – There is absolutely no reason or justification as to why the appellants would try for a reconciliation by visiting the house of the complainant on 16.08.2015 when the divorce has already taken place by order dated 31.05.2012 – As a matter of fact, the complaint is largely devoted to the ill-treatment committed by the husband and the only reference to the appellants is made for the incident dated 16.08.2015 at her own house at NOIDA – However, by that time, the ex-parte decree of divorce

* Author

had already been passed – Having examined the allegations in the present case, there is no hesitation in holding that the present appellants have unnecessarily been roped in the complaint without there being any specific allegation against them for any incident which had taken place between the husband and the wife during subsistence of marriage – This Court is of the considered view that allowing the trial to proceed against the appellants shall amount to vexatious trial only for the reason that they are relatives of the husband – Accordingly, the Complaint Case against the appellants is hereby quashed. [Paras 9, 12]

Case Law Cited

Geeta Mehrotra & Anr. v. State of Uttar Pradesh & Anr. **[2012] 9 SCR 641 : (2012) 10 SCC 741;** *Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr.* **2024 INSC 953 : [2024] 12 SCR 559 – relied on.**

List of Acts

Penal Code, 1860; Code of Criminal Procedure, 1973; Dowry Prohibition Act, 1961.

List of Keywords

Quashing of the summoning order; Matrimonial dispute; ex-parte divorce decree; Complaint case; Demand of dowry; Cruelty against wife; Absence of specific allegations.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 2020 of 2025

From the Judgment and Order dated 20.11.2018 of the High Court of Judicature at Allahabad in A482 No. 41796 of 2018

Appearances for Parties

Advs. for the Appellants:
Bibek Tripathi, Ashish Kumar Upadhyay, Ms. Maitri Goal, P. V. Yogeswaran.

Advs. for the Respondents:
Ajay Kumar Mishra, Sr. Adv, Vikash Bansal, Garvesh Kabra.

Judgment / Order of the Supreme Court

Judgment

Prashant Kumar Mishra, J.

Leave granted.

2. Under the impugned order, the High Court has disposed of the appellants' prayer for quashing of the summoning order dated 23.04.2018 issued by the Trial Court in Complaint Case No. 2789 of 2015 under Sections 498A, 323, 504, 506 of the Indian Pernal Code, 1860[1] and Section 4 of the Dowry Prohibition Act, 1961 without deciding the quashing petition on merits.

3. Kumar Saurabh is the husband of respondent no. 2 (Smt. Charusmita) and the appellants are the relatives of Kumar Saurabh. The appellant no.1 - Sushila is the mother, appellant no. 2- Shailendra Dablu is the elder brother, appellant no. 3- Seema is the sister-in-law, appellant no. 4- Kulshreshtha Upadhyay is the elder brother and appellant no. 5 – Kanak is the sister of Kumar Saurabh. Kumar Saurabh and respondent no. 2 (Smt. Charusmita) were married on 17.06.2010. After the marriage, they lived in Kota (Rajasthan) for a brief period before she left the matrimonial home in October, 2010 taking away all her possessions including stridhan and started living with her parents.

4. It is the case of the appellants that effort made by Kumar Saurabh to bring back respondent no. 2 to resume matrimonial life was not successful, compelling him to prefer a divorce petition in the court of Family Judge, Kota, Rajasthan bearing Case No. 476 of 2011. Respondent no. 2 failed to appear before the Family Court despite receiving notice resulting in an ex-parte divorce decree dated 31.05.2012 passed by the Family Court, Kota. After about 03 years from the date of passing of the divorce decree, respondent no. 2 moved an application under Section 156(3) Cr.P.C. before the Chief Judicial Magistrate, Gautam Budh Nagar for registration of a criminal case and making investigation. The said application was treated as a complaint case wherein after recording statement of respondent no. 2 and other witnesses, the learned Magistrate issued summoning order on 23.04.2018 against the appellants under Section 498A IPC.

1 'IPC'

5. Being aggrieved, the appellants approached the High Court by filing a petition under Section 482 Cr.P.C for quashing the summoning order which was dismissed vide impugned order.

6. It is argued that the learned Magistrate has taken cognizance against the appellants without there being any specific allegation against any one of them and only bald statement has been made against the appellants stating that they are also involved in harassing respondent no. 2 by demanding dowry.

7. *Per contra*, learned counsel for the respondents would support the impugned order on submission that the appellants being relatives of the husband were also involved in illtreating respondent no. 2 and the truth will emerge during trial. According to him, the present is not a fit case for quashing the complaint at the threshold.

8. A reading of the complaint (Annexure P-2) would reveal that the marriage took place on 17.06.2010 and the couple stayed at Varanasi for five days and proceeded to live in Kota on and from 22.06.2010 where they lived for most of the time. The complainant returned from Kota in October, 2010 and thereafter, it is said that on 16.08.2015 the appellants came to her house at Kota and demanded dowry by threatening and illtreating her. It is also alleged that they snatched her Mangalsutra and ran away.

9. Admittedly, the marriage has already been dissolved by a decree of divorce passed on 31.05.2012 and the present complaint was filed after three years of divorce. Except for the bald statement against the appellants, the other allegations are against the husband. There is absolutely no reason or justification as to why the appellants would try for a reconciliation by visiting the house of the complainant on 16.08.2015 when the divorce has already taken place by order dated 31.05.2012. Even if such an incident has happened on 16.08.2015, the fact remains that on the said date the relationship of husband and wife has already come to an end as such the appellants being relatives of the husband cannot be proceeded for offence under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961.

10. This Court in the matter of **Geeta Mehrotra & Anr. vs. State of Uttar Pradesh & Anr.**[2] has deprecated the practice of involving the

2 (2012) 10 SCC 741

relatives of the husband for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act, 1961. The following has been held in para 18:

> "**18**. Their Lordships of the Supreme Court in *Ramesh case* [(2005) 3 SCC 507 : 2005 SCC (Cri) 735] had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge-sheet, none of the alleged offences under Sections 498-A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant›s husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed."

11. In a recent judgment in the matter of **Dara Lakshmi Narayana & Ors. vs. State of Telangana & Anr.,**[3] this Court has again reiterated and deprecated the practice of involving the relatives of the husband in dowry related matters. The following has been held in paras 24, 25, 28, 30, 31 & 32:

> "**24.** Insofar as appellant Nos.2 to 6 are concerned, we find that they have no connection to the matter at hand and have been dragged into the web of crime without any rhyme or reason. A perusal of the FIR would indicate that no substantial and specific allegations have been made against appellant Nos.2 to 6 other than stating that they used to instigate appellant No.1 for demanding more dowry. It is also an admitted fact that they never resided with the couple namely appellant No.1 and respondent No.2 and their children. Appellant Nos.2 and 3 resided together at

3 2024 INSC 953 : [2024] 12 SCR 559

Guntakal, Andhra Pradesh. Appellant Nos.4 to 6 live in Nellore, Bengaluru and Guntur respectively.

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. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.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.

28. The inclusion of Section 498A of the 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 498A of the IPC 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 scrutinized, 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 498A of the 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.

30. In the above context, this Court in G.V. Rao vs. L.H.V. Prasad (2000) 3 SCC 693 observed as follows:

> "12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle 572 [2024] 12 S.C.R. Digital Supreme Court Reports down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts."

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realties into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives 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 complainant are required to be scrutinized with great care and circumspection.

> **32**. We, therefore, are of the opinion that the impugned FIR No.82 of 2022 filed by respondent No.2 was initiated with ulterior motives to settle personal scores and grudges against appellant No.1 and his family members i.e., appellant Nos.2 to 6 herein. Hence, the present case at hand falls within category (7) of illustrative parameters highlighted in Bhajan Lal. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482 CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

12. Having examined the allegations in the present case vis-à-vis the law settled by this Court in **Geeta Mehrotra** (supra) & **Dara Lakshmi Narayana** (supra), we have no hesitation in holding that the present appellants have unnecessarily been roped in the complaint without there being any specific allegation against them for any incident which had taken place between the husband and the wife during subsistence of marriage and the period when they stayed together at Kota. As a matter of fact, the complaint is largely devoted to the ill-treatment committed by the husband and the only reference to the appellants is made for the incident dated 16.08.2015 at her own house at NOIDA. However, by that time, the *ex-parte* decree of divorce has already been passed. In such view of the matter, we are of the considered view that allowing the trial to proceed against the appellants shall amount to vexatious trial only for the reason that they are relatives of the husband. Accordingly, we quash the Complaint Case No. 2789 of 2015 against the appellants. The appeal stands allowed.

Result of the case: Appeal allowed.

[†]*Headnotes prepared by:* Ankit Gyan