



2026:AHC-LKO:22016

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 5969 of 2024

Atul Tiwari And 4 Others

.....Applicant(s)

Versus

State Of U.P Thru. Prin. Secy. Deptt. Home Lko. And
Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rama Raman Mishra
Counsel for Opposite Party(s)	:	G.A., Akhand Pratap Singh, Kuldeep Pandey

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. At the very outset, it has been informed that the applicant no.4/Hanuman Bali Tiwari has died during the pendency of the application of the case.
2. Accordingly, the application is rejected as abated so far as it relates to the applicant no.4.
3. Learned counsel for the applicants submits that he does not want to press this application on behalf of the husband i.e. applicant no.1-Atul Tiwari.
4. Accordingly, application on behalf of the husband i.e. applicant no.1-Hanumant Shankar Singh is rejected as not pressed.
5. As per Mediation Center's Report dated 16.12.2024, mediation is not successful between the parties. Thus, this Court proceeds to hear and decide the application on merits.
- 6 . Instant petition under Section 482 CrPC has been filed challenging the order dated 23.02.2024 as well as non-bailable warrant dated 21.06.2024 arising out of Complaint Case No.2295 of 2024 (Nainshi vs Atul Tiwari & Ors), under Section 190 CrPC pending in the court of Additional Civil Judge (C.D.)-IV, Ayodhya/Faizabad. Vide impugned summoning order dated 23.02.2024, the applicants have been summoned to face the trial for offenses under Sections 498A, 323 of Indian Penal Code (in short "IPC") and Sections 34 of Dowry Prohibition Act, 1961 (in short "DP Act").

7. It has been submitted by learned counsel for the applicants that the applicant nos.2 and 3 are father-in-law and mother-in-law of opposite party no.2, respectively whereas the applicant no.4 is grandmother-in-law of opposite party no.2.

8. It has been further submitted that a bare perusal of the statements under Section 200 and 202 CrPC of the complainant/Nainsi Pandey and her uncle Krishnanad Pandey, respectively, indicate that general allegation of dowry demand is levelled. It has been further submitted that it is alleged by the complainant that the applicants demanded Alto car as additional dowry. The same statement has been reiterated by Krishnanad Pandey, under Section 202 CrPC.

9. It has been further submitted that the opposite party no.2/complainant does not want to live with her husband and the applicant nos.2 to 5 have been falsely implicated. The applicant nos.2 to 5 have been implicated only for the reason that they are relative of her husband.

10. To buttress his arguments, reliance has been placed upon following judgments :

A. *Geeta Mehrotra and another vs. State of U.P. and others*, (2012) 10 SCC 741;

B. *Kahkashan Kausar v. State of Bihar*, (2022) 6 SCC 599;

C. *Kailashben Mahendrabhai Patel and Ors vs. State of Maharashtra and Anr*, 2024 SCC Online SC 2621.

D. *Belide Swagath Kumar v. State of Telangana*, 2025 SCC OnLine SC 2890

11. On the other hand, learned counsel for opposite party no.2 has submitted that mediation between the parties has failed and the applicant nos.2 to 5 are family members of husband of the opposite party no.2/complainant and they have committed the offense.

12. It has been further submitted that opposite party no.2/complainant was physically and mentally harassed by the husband and his family members

and additional dowry demand of an Alto car was made by them.

13. It has been further submitted that a bare perusal of the statements under Sections 200 and 202 CrPC indicate that offense is made out against the applicant nos.2 to 5. The application is liable to be dismissed.

14. I have heard submissions of learned counsel for the applicants, learned AGA for the State and learned counsel for opposite party no.2.

15. In **Geeta Mehrotra and another (Supra)**, Hon'ble Supreme Court has considered the present aspect of the matter pertaining to the relatives of the husband wherein it is observed that if the FIR as it stands does not disclose any specific allegation against the accused in a matter arising out of matrimonial bickering, it would amount to clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial. Relevant paragraphs are extracted herein-below:-

“25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasise by highlighting is that, if the FIR as it stands does not disclose specific allegation against the accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant wife. It is the well-settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing, especially in cases of matrimonial disputes whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of overimplication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.

26. In the case at hand, when the brother and unmarried sister of the principal accused Shyamji Mehrotra approached the High Court for quashing the

proceedings against them, inter alia, on the ground of lack of territorial jurisdiction as also on the ground that no case was made out against them under Sections 498-A/323/504/506 IPC including Sections 3/4 of the Dowry Prohibition Act, it was the legal duty of the High Court to examine whether there were prima facie material against the appellants so that they could be directed to undergo the trial, besides the question of territorial jurisdiction. The High Court seems to have overlooked all the pleas that were raised and rejected the petition on the solitary ground of territorial jurisdiction giving liberty to the appellants to approach the trial court.”

16. In **Kahkashan Kausar (Supra)**, Hon’ble Supreme Court observed that the relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. Relevant paragraphs are extracted herein-below:

“16. Recently, in K. Subba Rao v. State of Telangana [K. Subba Rao v. State of Telangana, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605] , it was also observed that : (SCC p. 454, para 6)

“6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing 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, this 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.

18. Coming to the facts of this case, 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 i.e. 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. Insofar as

husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.”

17. In **Kailashben Mahendrabhai Patel (Supra)**, Hon’ble Supreme Court observed as under :-

“14. One important event that gives us a clear impression that the criminal proceedings were instituted with a mala fide intention, only to harass the appellants, is the filing of the Domestic Violence case. After the institution of the Civil Case on 27.02.2013 and thereafter the present Criminal Complaint/FIR, respondent no. 2 filed a complaint under Section 12 of the Domestic Violence Act on 06.04.2013, based on similar allegations. The DV complaint refers to the same items, a Scorpio car, T.V., fridge, DVD Tape, silver articles, 100 to 150 tolas gold and cash of Rs. 5 lacs as dowry. Again, there is an allegation that the accused have threatened that she will not get a share in the property as she gave birth to a girl child. There are similar allegations against appellant no. 2 as well as the Munim, the appellant no. 4. The domestic violence complaint went to trial and culminated in a detailed judgment of the Judicial Magistrate, First Class, Jalna dated 16.01.2019. We are informed that the judgment and order has become final as there was no appeal against the said order. While dismissing the domestic violence complaint, the learned judge observed as under:

“19. During cross examination, the applicant admitted that the property dispute is going on in between her and respondents. Again, she voluntarily stated that the property dispute is pending in between her husband and parents in law. Moreover, the applicant appears deposed specifically that where ever Joint Bank Accounts are in the name of respondents, her and her husband, in such cases, respondents shall be prohibited from operation said accounts and she shall be allowed to operate. It further appears that the applicant family shall be provided same level of accommodation as holding by respondents.

20. The above ocular evidence and admission are clearly suggesting that the applicant has brought the present application at the behest of her husband and with ulterior motive to grab property which the husband of the applicant may be entitled by other provisions of law. The wordings used in the application reveal selfish nature of the applicant. Hence, in the given circumstances, I am of opinion that it would be unsafe to rely on the sole testimony of the applicant without corroboration.

21. It seems that the applicant has not brought any other cogent and reliable evidence in support of her said oral evidence. Moreover, it

appears that the case filed u/s 498(A) of IPC bearing RCC No. 376/2014 is not yet concluded. There is no record showing that respondents have been held guilty till today in that matter. It means that said allegations are not yet proved and not available for corroboration purpose. Therefore, I am coming to the conclusion that there is no cogent and reliable evidence as to domestic violence and accordingly I record my finding to Point No. 1 as “No”.

18. In the case of dowry demand and harassment, Hon’ble Supreme Court has considered the various aspect of the offence under Dowry Prohibition Act in the case of **Belide Swagath Kumar (Supra)** in paragraphs 24 and 26 after considering the relevant facts of the case and the judgment passed in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, and has quashed the proceedings under Section 498A of IPC arising out of FIR No.29 of 2022 dated 27.01.2022. Relevant paragraphs are quoted as under :-

24. A bare perusal of the FIR shows that the allegations made by the complainant-respondent No. 2 are vague and omnibus. Other than claiming that the husband and his family along with the accused-appellant herein mentally harassed her with a demand of dowry, the complainant-respondent No. 2 has not provided any specific details or described any particular instance of harassment. Although she has alleged that an amount totalling to Rupees One Crore was demanded by the accused-appellant and his family members, the complainant-respondent No. 2 has failed to put forth any evidence or material on record to elaborate or substantiate the same. Furthermore, the complainant-respondent No. 2 has failed to impress the court as to how the said alleged harassment has caused her any injury, mental or physical. There has been no remote or proximate act or omission attributed to the accused-appellant that implicates him or assigns him any specific role in the said FIR for the offence of 498A of the IPC. Merely stating that the accused-appellant has mentally harassed the complainant-respondent No. 2 with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC especially in the face of absence of any cogent material or evidence on record to substantiate the said allegations. The term “cruelty” cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in an FIR which is the premise of invoking criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore

mere general allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings.

*26. On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the accused-appellant herein is made out. In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused-appellant herein have been made with a mala-fide intent with vague and general allegations and therefore, the judgment of this Court in the case of **Bhajan Lal** and particularly subparagraphs (1) and (7) of paragraph 102, extracted above, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and consequent Complaint Case No. 1067 of 2022 to continue.”*

19. After going through the record, I find that the general allegation is levelled in the statement under Section 200 CrPC of the opposite party no.2/complainant wherein she has stated that an Alto car was demanded by the applicants. The applicant 2, 3 and 5 are in-laws of the complainant and this Court comes to the conclusion that the husbands who has already not pressed his case and wants to face trial, the applicant nos.2, 3 and 5 may not be forced to face the trial for the reason that a bare perusal of the complaint, it is to be noted that there is general allegation against the applicant nos.2, 3 and 5; and the case of these applicants is squarely covered by judgments of the Hon’ble Supreme Court passed in in **Geeta Mehrotra and another (Supra)**, **Kahkashan Kausar v. State of Bihar, (Supra)**, **Kailashben Mahendrabhai Patel (Supra)** and **Belide Swagath Kumar (Supra)**.

20. Keeping in view the above discussion, the application is **allowed**. The entire criminal proceedings of Complaint Case No. 2295 of 2024, detailed in para 4, are quashed qua the applicants/Rajeev Tiwari, Sushila Devi and Gayatri Devi.

(Brij Raj Singh,J.)

March 30, 2026

Mohit Singh/-