



2026:AHC-LKO:19092

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 8761 of 2022

Vidya Shukla And 4 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. (Home),
Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Surendra Pratap Singh, Amit Kumar Singh, Devang Singh, Rajendra Pratap Singh
Counsel for Opposite Party(s)	: G.A., Ambika Prasad Mishra, Devendra Kumar Misra, Dharmendra Kumar, Harish Chandra Tiwari, Shraddha Tripathi

**Reserved on 27.01.2026
Pronounced on 17.03.2026
Uploaded on 17.03.2026**

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

1. The present application under Section 482 of Code of Criminal Procedure, 1973 (in short “CrPC”) has been filed seeking quashing of criminal proceedings of Complaint Case No. 1604 of 2019 (Bajrang Prasad Tripathi Vs. Ajay Kumar Shukla and Ors) pending in the Court of Additional Chief Judicial Magistrate, Court No. 19, Sultanpur (in short “Magistrate”) and the impugned summoning order dated 09.11.2022 passed by the Magistrate.

2. Vide impugned summoning order dated 09.11.2022, the applicants have been summoned to face the trial for offenses under Sections 498A, 323, 406 Indian Penal Code (in short “IPC”) and Sections 3 of Dowry Prohibition Act, 1961 (in short “DP Act”).

3. It is submitted by learned counsel for the applicants that prior to filing the Complaint Case on 24.10.2019, the daughter of opposite party no.2 had filed a suit against her husband Ajay Kumar Shukla for the maintenance and she had also filed an application under Section 125 of CrPC before the Principal Judge, Family Court District Sultanpur (in short “Family

Court”) on 24.10.2019.

4. It is further stated that on the application under Section 125 of CrPC filed by the daughter of opposite party No.2, the Family Court has passed an order dated 08.04.2022 granting maintenance of Rs.15,000/- per month. The daughter of opposite party no.2 also filed another suit on 5.12.2019 under Section 12 of Protection of Women from Domestic Violence Act, 2005 (in short “Act, 2005”) before Additional Chief Judicial Magistrate, Room No. 3, Sultanpur which was registered as Criminal Case No. 777 of 2020.

5. It is further stated that in Criminal Case No. 777 of 2020, the Magistrate has awarded maintenance of Rs.10,000/- per month under Section 23 (2) of Act, 2005 against Ajay Kumar Shukla. Ajay Kumar Shukla also filed a suit for divorce under Section 13 of Hindu Marriage Act bearing Case No.1146 of 2021 on 05.12.2021 in which notices were issued, but his wife i.e. daughter of opposite party no.2 has not put in appearance.

6. It is further stated that the applicant no.2 was in service in Armed Force and was posted from 2012-2016 in District Bikaner, State of Rajasthan, where he was living along with his entire family and from 2016-18, he was posted at Srinagar in erstwhile State of Jammu & Kashmir wherein he was not permitted to live with his family, therefore, the family was residing at Raipur Phulwari, their parental residence which was constructed by his father. From 2018 to 2020, the applicant no.2 was posted in District Firozpur, State of Punjab, where he was residing along with his wife, mother and two children.

7. It is further stated that after his retirement from service i.e. 31.10.2020, the applicant no.2 is residing at Raipur Phulwari in the house of his father, which is situated at Kakwapur road, near Railway Station, District – Amethi.

8. It is further stated that the applicant no.2 is residing in his house along with his mother Vidya, and wife Pushpa and applicant No.4 is residing at Raipur Phulwari along with his wife Ratna.

9. It has been submitted that the applicants are merely relative of the husband of daughter of opposite party no.2 that is why they have been falsely implicated in the present case, whereas they are residing separately. Learned counsel for the applicants has invited attention of this Court towards page nos. 79 to 81 of the application which indicate that they are residents of Kakuwa Road, Raipur Phulwari, District – Amethi, Uttar Pradesh.

10. It is a specific case of the applicants that they were not present at the time of incident, as they were residing separately, and therefore, all the allegations made in the complaint are false and fabricated.

11. It has been further submitted that general allegations are levelled in the complaint, wherein it is stated that less dowry was given by the opposite party no.2, who is the father of victim. It has been further alleged in the complaint that a sum of Rs.5 lakh was demanded by the in-laws of daughter of opposite party no.2.

12. Learned counsel for the applicants has invited the attention of the Court towards paragraph 14 of the counter affidavit dated 15.05.2024 filed by opposite party no.2 in which it is averred that a house has been constructed at Raipur Phulwari but the applicants do not live in the said house. It has been submitted that once it is admitted by opposite party no.2 that a separate house has been constructed, then the opposite party no.2 cannot take the plea that the applicants were present at the place of occurrence at the relevant time.

13. To buttress his arguments, learned counsel for the applicants has placed reliance 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

14. On the other hand, Ms. Shraddha Tripathi, learned counsel for opposite party no.2 has submitted that the applicants are family members of husband of the daughter of opposite party no.2/complainant and that they committed the offense and they were residing at the same house, therefore, the presumption goes against them and the summons issued by the Magistrate does not call for any interference.

15. She has further submitted that the daughter of opposite party no.2/complainant received injuries as a result of assault, therefore, this Court in exercise of power under Section 482 CrPC, cannot conduct a mini-trial or weigh the evidences on record.

16. She has placed reliance of judgment of Hon'ble Supreme Court in the case of **Renuka Vs. State of Karnataka and Anr., 2025 INSC 596**.

17. Heard learned counsel for the applicants, learned AGA for the State and Ms. Shraddha Tripathi, learned counsel for opposite party no.2.

18. 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.”

19. 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.”

20. 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”.

21. 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.”*

22. After going through the record, it is also borne out that the daughter of opposite party no.2/complainant filed an application under Section 125 of CrPC before the Family Court on 24.10.2019. On that application, the Family Court has awarded maintenance of Rs.15,000/- per month on 08.04.2022 in her favour. She also filed a suit on 05.12.2019 under Section 12 of Act, 2005 before the Magistrate. Her Husband/Ajay Kumar Shukla had also filed a suit for divorce under Section 13 of Hindu Marriage Act. It is thus clear that the daughter of opposite party no.2 has filed various cases and in order to settle her personal score, a complaint case was filed on 24.10.2019. The various litigations filed by daughter of opposite party no.2 indicate that she is having mala fide intentions to rope the other family members of her husband who are residing separately. The proof of separate residence has been filed at Page Nos.79 to 81, which indicates that applicants are residents of Kakuwa Road, Raipur Phulwari, District – Amethi, Uttar Pradesh. The important fact is also be highlighted here is that opposite party no.2 has stated in paragraph 14 of the counter affidavit

that the applicants have constructed house at Kakuwa Road, Raipur Phulwari, District – Amethi, Uttar Pradesh, which indicates that the applicants are living separately. The allegation in the complaint is general in nature wherein it is mentioned that sum of Rs.5 lakh was demanded by the in-laws and the husband of daughter of complainant. The allegations are vague and cannot be sustained in view of law laid down by Hon'ble Supreme Court in **Geeta Mehrotra and another (Supra), Kahkashan Kausar v. State of Bihar, (Supra), Kailashben Mahendrabhai Patel (Supra)** and **Belide Swagath Kumar (Supra)**.

23. Keeping in view the above discussion, the application is allowed. The criminal proceedings of Complaint Case No. 1604 of 2019 pending in the Court of Additional Chief Judicial Magistrate, Court No. 19, Sultanpur and the impugned summoning order dated 09.11.2022 are quashed qua the applicants/Vidya Shukla, Anupam Kumar Shukla, Pushpa, Alok Kumar Shukla and Ratna.

(Brij Raj Singh,J.)

March 17, 2026

Mohit Singh/-