



2026:AHC:41413

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 10810 of 2018

AFR

Devinder Mohan Singh And Another

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Mukhtar Alam

Counsel for Opposite Party(s) : Ashish Kumar Gupta, G.A., Rupak
Chaubey

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. List revised.

2. Heard Sri Mukhtar Alam, Senior Advocate assisted by Sri Yawar Mukhtar, learned counsel for the applicants.

3. None appeared on behalf of the opposite party no.2 even in the revised call. Even on the previous date, none was present on behalf of the opposite party no.2. Several time, the opposite party no.2 was granted time to file counter affidavit, if any, but no counter affidavit has been filed till now, except learned A.G.A.

4 Present application under Section 482 Cr. P.C. has been filed by the applicants with the prayer to quash the entire proceeding of criminal case No. 7243 of 2015 (State Versus Indrajeet Singh and others), under Section 498A, 323, 504, 506, 306, 511, 108 I.P.C. and Section 3/4 D.P. Act, Police Station Siga, District Varanasi arising out of Case Crime No. 344 of 2014, pending in the Court of Chief Judicial Magistrate, Varanasi, Charge sheet No. 513 of 2017 dated 20.11.2027 as well as order of cognizance dated 02.01.2018 passed by the Chief Judicial Magistrate, Varanasi

5. Facts in brief are that first information report under Sections 498A, 323, 504, 506, 306, 511, 108 I.P.C. and Section 3/4 D.P. Act, was lodged by the informant against the applicants at the police station Siga, District Varanasi as Case Crime No. 344 of 2014 on 23.08.2014 at about 7.10 A.M. with the

allegation that the applicants and the husband of daughter of the informant, namely, Aman Jot Singh Vasoar and other family members subjected her to harassment in relation to demand of dowry. The applicants also subjected her to harassment and when the victim was in Australia with her husband, the applicants were also living there in Australia. After investigation, no any material was found against the applicants to establish prima facie case, as a result, the first investigating officer closed the investigation, but on the oral instructions given by the Superintendent of Police, Varanasi, investigation was handed over to some other investigating officer, who filed the charge sheet against the present applicants also and on the basis of which cognizance was taken by the learned trial court on 20.06.2015 and summoning order was passed by the learned court.

6. It is submitted that applicants are Saas and Sasur of the victim who were named in the first information report by the father of the victim with false allegation of demand of dowry and harassment at Varanasi and in Australia, though there was no any such incident committed by the applicants with the daughter of the informant. The daughter-in-law was living in Australia with her husband. There was matrimonial dispute between both of them that was the reason, a divorce petition was filed in Civil Court at Australia in which decree of divorce was also granted by the family Court vide order dated 27.11.2015 and relation between the husband and wife (victim) came to an end. No any injury was caused to the victim by these applicants. There are general allegations of demand of dowry and harassment with her regarding which there is no any material to support. The first investigating officer did also not find any reliable material against the applicants to establish the commission of the offence as stated in the first information report, but as per oral direction given by the Superintendent of Police, Varanasi, investigation was handed over to some other investigating officer and charge sheet was filed. He also submitted that Hon'ble Apex Court has held in the cases of **Geeta Mehrotra and Kahkashan Kausar @ Sonam** and others that where there are general allegations made against the relatives and there is no any other cogent evidence regarding demand of dowry and harassment, it will become misuse of the process of law and such practice be checked to prevent the abuse of the process of law, therefore request to quash the entire proceedings of the case against the applicants.

7. It is also submitted by the learned counsel for the applicants that in the present case, the applicants are father-in-law and mother-in-law of the daughter of the informant. In the first information report, the allegation regarding demand of dowry and harassment of daughter of informant was made against seven persons including the present applicants. Other accused

persons, namely Aman Jeet Singh (husband), Gurmeet (Jeth), Sumit Saluja (Jethani), Indrajeet Man (Mama) and Romi Sahani (Mami). The charge sheet against other co-accused persons was filed separately by the investigating officer S.I. Abhai Raj Mishra and implication of the present applicants was found to be false. This fact gets mention in the charge sheet No. 51-A/17 dated 07.05.2017. Consequently at the instance of oral instructions given by the Senior Superintendent Police, Varanasi investigation was taken over by other S.I. ,namely, Gopal Ji Gupta on 01.06.2017 as mentioned by him in SCD No. 28. He after completing the investigation, filed the charge sheet against the present applicants also after writing Mazeed statements of same witnesses, which shows that when the statement of the informant and other witnesses were recorded by the previous investigating officer S. I. Ahhay Raj Mishra, no prima facie case was found to be made out against the present applicants, as a result, their implication being false, they were exonerated and charge sheet was filed on 07.05.2017 against other accused persons.

8. Learned A.G.A opposed the prayer as aforesaid but could not dispute the fact regrading general allegation of demand of dowry and harassment to the victim by the applicants and decree as passed by the Civil Court, Australia as aforesaid and the law as laid down by the Hon'ble Apex Court in the aforesaid cases.

9. It is to note that once final report is filed by the investigating officer after investigation being completed, further investigation can be done by the police under Section 173(8) Cr. P.C. and supplementary police report may be filed if the investigation officer gets sufficient material in this regard.

10. In the present case the subsequent investigating officer acted upon oral direction given by the Superintendent of Police, Varanasi and thereafter, he recorded Mazeed statements of witnesses whose statements were already recorded by 1st I.O. and then supplementary charge sheet was filed. The contents of the first information report did not disclose any specific allegation against the present applicants regarding harassment of the victim and in relation to the demand of dowry, but there are general allegations against all the members of the family including Jeth, Jethani Mama and Mami, who may have no any interest in the demand. The decree of divorce between the husband and wife as granted by the Civil Court, Australia by order dated 27.11.2015 also shows that there was matrimonial dispute between the husband and wife that was the reason they moved divorce petition in Australia, as a result, marriage was dissolved and now they are living separately.

11. In the case of ***Preeti Gupta and Anr. Versus State of Jharkhand and Anr; (2010) 7 SCC 667***, it was observed:-

"32. It is a matter of common experience that most of these complaints under section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern".

12. In the case of ***Geeta Mehrotra & Anr. Vs. State of UP & Anr.(2012) 10 SCC 741***, it was observed:-

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of G.V. Rao vs. L.H.V. Prasad & Ors. reported in (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside.

Their Lordships observed therein with which we entirely agree that:

"there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in 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 reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the 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." The view taken by the judges in this matter was that the courts would not encourage such disputes."

13. Likewise Apex Court has made similar observations in ***Kahkashan Kausar @ Sonam & others Versus State of Bihar and other 2022 LiveLaw***

(SC) 141.

14. Taking in view the allegations as made in the first information report, the statement of the informant and other witnesses as recorded by the previous investigating officer and non establishment of the prima facie case against them, Mazeed statements of the witnesses by the subsequent investigating officer, it appears that there are general and omnibus allegations against all the members of the family of the husband, those are vague and frivolous leading to a situation where it is hard to specify the role of each accused in furtherance of the offence. Where there is absence of clear allegation against the relatives of the husband, it simply amounts to an abuse of process of law.

15. In view of law as laid down by Apex Court in the aforesaid cases, if the allegation made against them are general and omnibus, they do not warrant prosecution and therefore, it would be unjust, if the applicants are forced to go through the process of the learned trial court, since the criminal trial leading to an eventual acquittal also inflict severe scar upon the accused and such an exercise must therefore, be discouraged.

16. Accordingly, the present criminal misc. application under Section 482 Cr. P.C. is ***allowed*** and entire proceeding against the applicants in criminal case No. 7243 of 2015 (State Versus Indrajeet Singh and others), under Section 498A, 323, 504, 506, 306, 511, 108 I.P.C. and Section 3/4 D.P. Act, Police Station Sagra, District Varanasi arising out of Case Crime No. 344 of 2014, pending in the Court of Chief Judicial Magistrate, Varanasi, Charge sheet No. 513 of 2017 dated 20.11.2027 as well as order of cognizance dated 02.01.2018 passed by the Chief Judicial Magistrate, Varanasi are ***quashed***.

February 17, 2026
T.S.

(Subhash Chandra Sharma,J.)