



2024 INSC 953

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024

(Arising out of Special Leave Petition (Criminal) No.16239 of 2024)

DARA LAKSHMI NARAYANA & OTHERS ... APPELLANTS

VERSUS

STATE OF TELANGANA & ANOTHER ... RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved by the order dated 16.02.2022 passed by the High Court for the State of Telangana in Criminal Petition No.1479 of 2022 refusing to quash the criminal proceedings in FIR No.82 of 2022 dated 01.02.2022 registered with Neredmet Police Station,

Rachakonda against the appellant Nos.1 to 6 herein (collectively referred as “appellants”) under Sections 498A of the Indian Penal Code, 1860 (“IPC”, for short) and Section 3 and 4 of Dowry Prohibition Act, 1961 (“Dowry Act”, for short), the appellants have preferred this appeal.

3. Briefly stated the facts of this case are that the marriage of appellant No.1 husband and respondent No.2 wife was solemnised on 08.03.2015 as per Hindu rites and rituals at Chennakesava Swamy Temple, Marakapuram, Andhra Pradesh. Appellant Nos.2 and 3 are the father-in-law and mother-in-law respectively of respondent No.2 and appellant Nos.4 to 6 are sisters-in-law of respondent No.2. Respondent No.2 lodged a complaint against the appellant Nos.1 to 6 and accused No.7 who is her brother-in-law which was registered as FIR No.82 of 2022 dated 01.02.2022 for the offences punishable under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act registered with Neredmet Police Station, Rachakonda. As per the said FIR, it was alleged that at the

time of her marriage, the father of respondent No.2 gave net cash of Rs.10 lakhs, 10 tolas of gold, and other household articles as dowry and also spent Rs. 5 lakhs towards marriage expenses. After the marriage, the couple started residing at Jollarpeta, Tamil Nadu where appellant No.1 was working in Southern Railways. Out of their wedlock, respondent No.2 and appellant No.1 have 2 minor children. The first child was born in the year 2016 and the second child was born in the year 2017. After marriage, appellant No.1 started harassing her both physically and mentally for want of additional dowry. Appellant No.1 also used to abuse respondent No.1 in filthy language and used to suspect her character. He also used to come home inebriated and harassed her by having an illegal affair with one Mounika. In so far as appellant Nos.2 to 6 are concerned, respondent No.2 alleged that they used to instigate appellant No.1 for demanding more dowry her.

4. Being aggrieved by the said criminal proceedings pending against them, the appellants and accused No.7 approached the

High Court by filing Criminal Petition No.1479 of 2022 under Section 482 of the Code of Criminal Procedure, 1908 (“CrPC”) seeking quashing of the FIR No.82 of 2022 dated 01.02.2022 registered with Neredmet Police Station, Rachakonda.

5. By the impugned order dated 16.02.2024, the High Court refused to quash the criminal proceedings pending against the appellants and accused No.7 in FIR No.82 of 2022 dated 01.02.2022 and disposed of the Criminal Petition No.1479 of 2022 directing the Investigation Officer to follow the mandatory procedure contemplated under Section 41-A of CrPC and also the guidelines issued by this Court in ***Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273***. The High Court further granted protection by directing the Investigation Officer not to arrest to appellants until the chargesheet is filed. The High Court noted that there are matrimonial disputes between appellant No.1 and respondent No.2 and that in matrimonial disputes, custodial interrogation of the accused is not required. Being aggrieved by the

High Court's refusal to quash the criminal proceedings arising out of FIR No.82 of 2022 dated 01.02.2022, the appellants herein have preferred the instant appeal.

6. Subsequent to the impugned order dated 16.02.2022, the police have filed a chargesheet dated 03.06.2022 before the Court of 1st Metropolitan Magistrate, Malkajgiri, Cyberabad vide C.C. No.1544 of 2022 against the appellant Nos.1 to 6 under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act. However, the charges were dropped against accused No.7 (respondent No.2's brother-in-law). The criminal case against the appellants herein is pending trial in the Court of 1st Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate, Malkajgiri.

7. We have heard learned counsel for the appellants and learned counsel for the respondent-State and perused FIR No.82 of 2022 dated 01.02.2022. There is no appearance on behalf of respondent No.2 despite service of notice.

8. Learned counsel for the appellants submitted that the appellants never demanded any dowry from respondent No.2. Respondent No.2 in fact used to leave the matrimonial house uninformed. In fact, on one such occasion when she left the matrimonial house on 03.10.2021, appellant No.1 made a police complaint on 05.10.2021. When the police found her whereabouts, she was allegedly living with someone. Respondent No.2 after being counselled, returned to her matrimonial house. It was further submitted that respondent No.2 addressed a letter dated 11.11.2021 to the Deputy Superintendent of Police, Thirupathur Sub Division requesting to close the complaint made by appellant No.1 wherein she admitted that she had left her matrimonial house after quarrelling with appellant No.1 because of one Govindan, with whom she was talking over the phone for the past ten days continuously. She also stated that she would not repeat such acts in future. Learned counsel for the appellants further submitted that respondent No.2 again left the matrimonial house leaving appellant No.1 and children behind. It was submitted that having

no other option, appellant No.1 issued a legal notice dated 13.12.2021 to respondent No.2 seeking divorce by mutual consent. Therefore, it was argued that only as a counterblast, the present FIR has been lodged by respondent No.2. on 01.02.2022. Insofar as appellant Nos.2 to 6 are concerned, learned counsel for the appellants submitted that no specific allegation is made against them in the FIR. It was further submitted that appellant Nos.2 to 6 did not live in the matrimonial house of the couple and have been unnecessarily dragged into this case. Therefore, it was submitted that the present case is a fit case for quashing the FIR and accordingly prayed that this Court may set-aside the impugned order dated 16.02.2022 and quash the criminal proceedings pending against the appellants herein arising out of FIR No. 82 of 2022 dated 01.02.2022.

9. Per contra, the learned counsel for the respondent-State submitted that on a perusal of the FIR, it would reveal that a *prima facie* case has been made out against the appellants. It was

submitted that, as per the FIR, respondent No.2 was harassed both physically and mentally for want of additional dowry and that appellant No.1 used to come home in a drunken state and used to have an illicit affair with one Mounika. Learned counsel for the respondent-State submitted that the father of respondent No.2 was examined as LW3 who stated in the examination that at the time of marriage, he gave Rs.10 lakhs and 10 tolas of gold as dowry. It was further submitted that after the marriage, appellant No.1 used to harass and abuse respondent No.2 and appellant Nos.2 to 6 used to provoke and instigate appellant No.1. Hence, learned counsel for the respondent-State argued that the High Court, vide impugned order, was justified in declining to quash the criminal proceedings pending against the appellants herein arising out of FIR No.82 of 2022 dated 01.02.2022 and prayed for the dismissal of the present appeal as well.

10. Having heard the learned counsel for the respective parties and having perused the material on record, the only question that

arises for our consideration is whether FIR No.82 of 2022, dated 01.02.2022, lodged against the appellants herein should be quashed.

11. In ***State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 (“Bhajan Lal”)***, this Court formulated the parameters under which the powers under Section 482 of the CrPC could be exercised. While it is not necessary to revisit all the parameters, a few that are relevant to the present case may be set out as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face

value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

x x x

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

12. In the instant case, the allegations in the FIR are under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act.

13. Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause

grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

14. Further, Sections 3 and 4 of the Dowry Act talk about the penalty for giving or taking or demanding a dowry.

“3. Penalty for giving or taking dowry.—

- (1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

- (2) Nothing in sub-section (1) shall apply to, or in relation to,—
 - (a) presents which are given at the time of a marriage to the bride without any demand having been made in that behalf:

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom without any demand having been made in that behalf:

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.”

15. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may

result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines “cruelty” for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC, states that “cruelty” means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

16. Further, Section 3 of the Dowry Act deals with penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the Dowry Act talks of penalty for demanding dowry. It states that any person demanding dowry directly or indirectly, from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

17. The issue for consideration is whether, given the facts and circumstances of the case and after examining the FIR, the High Court was correct in refusing to quash the ongoing criminal proceedings against the appellants arising out of FIR No. 82 of 2022

dated 01.02.2022 under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act.

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.

19. Further, the record reveals that respondent No.2 on 03.10.2021 left the matrimonial house leading appellant No.1 to file a police complaint on 05.10.2021. When the police officials traced her, respondent No.2 addressed a letter dated 11.11.2021 to the Deputy Superintendent of Police, Thirupathur Sub Division requesting to close the complaint made by appellant No.1. In the said letter, respondent No.2 admitted that she left her matrimonial

house after quarrelling with appellant No.1 as she was talking to a person by name Govindan over the phone for the past ten days continuously. She further admitted that appellant No.1 was taking good care of her. She also stated that she will not engage in such actions in future. Despite that, in 2021 itself, respondent No.2 once again left the matrimonial house leaving appellant No.1 and also her minor children.

20. Losing hope in the marriage, appellant No.1 issued a legal notice to respondent No.1 seeking divorce by mutual consent on 13.12.2021. Instead of responding to the said legal notice issued by appellant No.1, respondent No.2 lodged the present FIR 82 of 2022 on 01.02.2022 registered with Neredmet Police Station, Rachakonda under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act.

21. Given the facts of this case and in view of the timing and context of the FIR, we find that respondent No.2 left the matrimonial house on 03.10.2021 after quarrelling with appellant

No.1 with respect to her interactions with a third person in their marriage. Later she came back to her matrimonial house assuring to have a cordial relationship with appellant No.1. However, she again left the matrimonial house. When appellant No.1 issued a legal notice seeking divorce on 13.12.2021, the present FIR came to be lodged on 01.02.2022 by respondent No.2. Therefore, we are of the opinion that the FIR filed by respondent No. 2 is not a genuine complaint rather it is a retaliatory measure intended to settle scores with appellant No. 1 and his family members.

22. Learned counsel for respondent No.1 State contended that a *prima facie* case was made out against the appellants for harassing respondent No.2 and demanding dowry from her. However, we observe that the allegations made by respondent No.2 in the FIR seem to be motivated by a desire for retribution rather than a legitimate grievance. Further, the allegations attributed against the appellants herein are vague and omnibus.

23. Respondent No.2 has not contested the present case either before the High Court or this Court. Furthermore, it is noteworthy that respondent No. 2 has not only deserted appellant No. 1 but has also abandoned her two children as well, who are now in the care and custody of appellant No.1. The counsel for the appellants has specifically submitted that respondent No.2 has shown no inclination to re-establish any relationship with her children.

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 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.

26. In fact, in the instant case, the first appellant and his wife i.e. the second respondent herein resided at Jollarpeta, Tamil Nadu where he was working in Southern Railways. They were married in the year 2015 and soon thereafter in the years 2016 and 2017, the second respondent gave birth to two children. Therefore, it cannot be believed that there was any harassment for dowry during the said period or that there was any matrimonial discord. Further, the second respondent in response to the missing complaint filed by the first appellant herein on 05.10.2021 addressed a letter dated 11.11.2021 to the Deputy Superintendent of Police, Thirupathur Sub Division requesting for closure of the said complaint as she had stated that she had left the matrimonial home on her own accord owing to a quarrel with the appellant No.1 because of one Govindan with whom the second respondent was in contact over

telephone for a period of ten days. She had also admitted that she would not repeat such acts in future. In the above conspectus of facts, we find that the allegations of the second respondent against the appellants herein are too far-fetched and are not believable.

27. We find that the High Court noted that there were also allegations against respondent No.2 and matrimonial disputes are pending between the parties. Therefore, the High Court came to the conclusion that custodial interrogation of the appellants was not necessary and protected the personal liberty of the appellants directing the Investigation Officer not to arrest the appellants till the completion of the investigation and filing of the charge-sheet. Albeit the said findings and observations, the High Court ultimately refused to quash the criminal proceedings against the appellants.

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.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself

from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

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 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 realities 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.

33. We, accordingly allow the appeal and set aside the impugned order of the High Court dated 16.02.2022 in Criminal Petition No.1479 of 2022 filed under Section 482 CrPC. The Criminal Petition No.1479 of 2022 under Section 482 of CrPC shall accordingly stand allowed. FIR No.82 of 2022 dated 01.02.2022 registered with Neredmet Police Station, Rachakonda under Section 498A of the IPC and Sections 3 and 4 of the Dowry Act against appellant Nos.1 to 6, charge-sheet dated 03.06.2022 filed in the Court of 1st Metropolitan Magistrate, Malkajgiri, Cyberabad

and the trial pending in the Court of 1st Additional Junior Civil Judge-cum-Additional Metropolitan Magistrate, Malkajgiri against the appellants herein shall accordingly stand quashed.

..... J.
[B.V. NAGARATHNA]

..... J.
[NONGMEIKAPAM KOTISWAR SINGH]

**NEW DELHI;
DECEMBER 10, 2024.**