

Before Shalini Singh Nagpal, J.

xxx—Petitioner

versus

STATE OF PUNJAB AND OTHERS—Respondents

CRM-M No. 28617 of 2016

January 27, 2026

Indian Penal Code, 1860—Ss. 406, 498-A—Code of Criminal Procedure, 1973—S. 482—Petition filed by maternal aunt of husband seeking quashing of FIR under Section 498-A, 406 IPC. Neither any ill-treatment nor demand for dowry was alleged against her. At no pint of time did she live in the matrimonial house. The husband and his parents were acquitted by the trial Court.

Whether distant relatives of husband can be involved in domestic quarrels to wreak vengeance or secure suitable settlement?

Though Section 498-A IPC was incorporated to prevent cruelty upon married women, the provision is being misused to settle personal scores.

When the main accused have been acquitted, permitting trial of a distant relative who never lived with the couple, would be travesty of justice. FIR quashed being a clear illustration of increasing tendency to involve distant relatives of husband in domestic quarrels to wreak vengeance or secure suitable settlement.

Held, that though Section 498-A IPC was incorporated in the penal Statute to prevent cruelty upon a women by her husband and in-laws, matrimonial litigation on this ground has seen a rapid increase in recent times arising from disaffection and friction surrounding the institution of marriage. It is more often than not that the provisions of Section 498-A IPC are misused and employed as instruments to settle personal scores. Tendency of implicating relatives of the husband in matrimonial disputes is increasingly on the rise and it is on this account, the Apex Court has time and again warned the Courts from proceeding against relatives and in-law of the husband when no prima facie case is made out against them.

(Para 9)

Further held, that when the main accused i.e. the husband and parents-in-law have been acquitted of the charges under Sections 498-A, 406 IPC by the Court of competent jurisdiction, permitting the trial of the petitioner, a distant relative of the husband of complainant, who never lived with the couple, would be travesty of justice. The present

case is a clear illustration of the ever increasing tendency to involve the distant relatives of the husband in the domestic quarrels in order to wreak vengeance or to secure suitable settlement. Permitting prosecution of the petitioner would be clear abuse of the legal and judicial process.

(Para 17)

Further held, that accordingly, the petition is allowed. FIR No. 70 dated 17.05.2014 under Sections 498-A/406 Indian Penal Code, Police Station Machhiwara District Khanna, along with all subsequent proceedings arising therefrom is hereby quashed qua the petitioner.

(Para 18)

Cases Referred:

RP Kapur v State of Punjab
AIR 1960 SC 866

(Para 6)

State of Karnataka v Muniswamy and others,
(1977) 2 SCC 699

(Para 7)

State of Haryana and others v Chaudhry Bhajan Lal,
1992 AIR 604

(Para 8)

Mahalakshmi and others v The State of Karnataka and another,
2024 (1) RCR (Criminal) 70,

(Para 12)

Suman Mishra and others v State of Uttar Pradesh and another,
2025 INSC 203

(Para 15)

S.S. Grewal, Advocate, *for the petitioner*.

Sukhbir Singh, DAG Punjab. None for respondents No. 2 and 3.

SHALINI SINGH NAGPAL, J.

(1) Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No. 70 dated 17.05.2014 under Sections 498-A/406 Indian Penal Code, Police Station Machhiwara District Khanna, along with all subsequent proceedings arising therefrom.

(2) Learned counsel for the petitioner submits that petitioner was a distant relative of the husband of respondent No. 2 i.e. wife of his maternal uncle, against whom general allegations were levelled. Neither any act of ill-treatment nor demand for dowry was attributed to her. At no point of time, respondent No. 2 or her husband lived in the matrimonial house, rather as per FIR, the complainant only visited her house for two days. Petitioner had been falsely implicated in the dispute between the husband and wife and the criminal case against her

was an abuse of the process of Court. He further submits that vide judgment dated 13.12.2024, all remaining accused, who faced trial, were acquitted by learned Judicial Magistrate Ist Class, Samrala. Respondent No. 2 had died and it was a fit case to quash the FIR.

(3) Learned State counsel has filed reply by way of affidavit of Gurvinder Pal Singh, PPS, Deputy Superintendent of Police, Samrala, Sub Division, Police District Khanna, District Ludhiana and argued that in view of the nature of allegations levelled against the petitioner, she was not entitled to invoke inherent jurisdiction of this Court. The allegations against the petitioner *prima facie* constituted offences under Sections 498-A and 406 IPC. Respondent No. 2 remained in the house of petitioner for two days at Mohali, where petitioner taunted her and raised demand of dowry. Challan was presented against petitioner after due and proper investigation. It was a case fit for prosecution of the petitioner.

(4) The facts:

FIR was recorded on complaint of respondent No. 2-Parveen Kaur daughter of Suminder Singh resident of house No.1039, near Chopra School, Machhiwara, District Khanna who alleged that she was married with Jasmeet Singh on 06.02.2011 as per Sikh rituals and after marriage, she visited *Nanaka* of Jasmeet Singh in Mohali. Her parents spent Rs.8.50 lac in the marriage and had given one diamond ring, one gold *kara* one gold ring, one gold chain, one watch, Rs. 31,000/- cash, 7-8 suits to Jasmeet Singh, one gold set to Jasveer Kaur, mother-in-law, one gold ring and gold *kara* to accused-Kashmir Singh father-in-law, five suits to accused-Sohi as per demands. Complainant stayed for two days in the house of maternal uncle of her husband at Mohali, where his aunt (*Mami*) taunted that her mother and father had not given car; that her nephew was a Class-I officer; that she had come from a poor house. Her mother and father gave Rs. 2,50,000/- in cash to the accused for furniture and other household items. After residing for two days at Mohali, they left for NOIDA. The attitude of accused Jasmeet Singh (husband), Kashmir Singh(father-in-law), Jasveer Kaur(mother-in-law) and maami of accused No. 1, Mrs. Sohi changed and they started harassing her for not bringing LCD, AC and home theatre. They abused her mother, father and relatives. After some days of marriage, accused took away her jewellery, gifts, *stree dhan* and all her belongings by force and did not return them for use. They started demanding more dowry from her and when she refused, she was mentally and physically harassed and beaten up. On 25.02.2011, her husband and parents-in-law gave her beatings in connivance with each other. Her husband told her mother-in-law and father-in-law to send her to her parental home till

they did not fulfil their dowry demands. On 26.02.2011, her husband went Mumbai on duty. Her mother-in-law called her parents and asked them to take her back. On 27.02.2011, her mother-in-law and father-in-law took her from NOIDA to Mohali, where her brother and his wife came and she was sent to her parental home at Machhiwara with demand of dowry. She filed a case in the Court at Samrala, where accused No. 1-Jasmeet Singh had talked about compromise and agreed to take her back on 27.02.2013, but on 09.04.2013, accused-Jasmeet Singh retracted. Her mother-in-law used to abuse her parents and taunt her for bringing inferior quality dowry. Her husband filed a restitution case but was not taking her back despite request of her parents and other respectable persons.

(5) Scope and ambit of inherent powers of this Court under Section 482 Cr.P.C. has been laid down in a number of cases. Every High Court has inherent powers to do real and substantial justice or to prevent the abuse of the process of Court. The powers possessed by the High Court under Section 482 Cr.P.C. though wide, the very plenitude of the power requires great caution and circumspection in its exercise.

(6) In ***R.P. Kapur versus State of Punjab***¹, Hon'ble Supreme Court summarized some categories of cases where inherent power can be and should be exercised to quash the proceedings:

- (i) where it manifestly appears that there is a legal bar against the institution or continuance of the proceedings;
- (ii) where the allegations in the fist information report or complaint taken at their face value and accepted in this entirety do not constitute the offence alleged;
- (iii) where the allegations constitute an offence, but there is legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

(7) Further Hon'ble Supreme Court in ***State of Karnataka versus Muniswamy and Others***² observed that the wholesome power under Section 482 Criminal Procedure Code entitles the High Court to quash a proceeding when it comes to the conclusion the allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice require that the proceeding ought to be quashed. The High Court have been invested with the inherent powers, but in civil and criminal matters, to achieve a salutary public purpose. A court proceeding ought not to be permitted to degenerate into a weapon of

¹ AIR 1960 SC 866

² (1977) 2 SCC 699

harassment of persecution. In this case, the court observed that ends of justice are higher than ends of mere law though justice must be administered according to laws made by the legislature. The case has been followed in a large number of subsequent cases of this court and other courts.

(8) In ***State of Haryana and Others versus Chaudhary Bhajan Lal and Others***³, after considering all the earlier precedents, Hon'ble Supreme Court laid down principles which the High Courts must consider while exercising jurisdiction under Section 482 Cr.P.C. for quashing the proceedings. It gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the Court or otherwise to secure the ends of justice:

“(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 make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution

³ 1992 AIR 604

and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(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."

(9) Though Section 498-A IPC was incorporated in the penal Statute to prevent cruelty upon a women by her husband and in-laws, matrimonial litigation on this ground has seen a rapid increase in recent times arising from disaffection and friction surrounding the institution of marriage. It is more often than not that the provisions of Section 498-A IPC are misused and employed as instruments to settle personal scores. Tendency of implicating relatives of the husband in matrimonial disputes is increasingly on the rise and it is on this account, the Apex Court has time and again warned the Courts from proceeding against relatives and in-law of the husband when no *prima facie* case is made out against them.

(10) Section 498-A IPC read as under:

498-A IPC

"Husband or relative of husband of a woman subjecting her to cruelty

Whoever, being the husband or the relative of the husband of a women, subjects such women 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) anywilful 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."

(11) The requirement is that there has to be cruelty inflicted against the victim of such nature which either drives her to commit suicide or to cause grave injury to herself or danger to life, limb or health of the victim. The latter part of the provision refers to harassment with a view to coerce her or her relatives to satisfy unlawful demands for any property or valuable security raised by the husband or his relatives.

(12) Petitioner is maternal aunt of the husband of the complainant, who never lived in the matrimonial home. The sum and substance of allegation against her is that she was entrusted with 05 suits at the time of marriage and soon after marriage, respondent No. 2 with her husband went to her house, where she taunted respondent No. 2 for not bringing sufficient dowry. There is no other allegation. The five suits given to petitioner cannot be termed 'dowry' being customary gifts given to the family of the groom at the time of celebrations. A single instance of taunt, even if accepted at its face value, would not make out a *prima facie* case to warrant prosecution of the petitioner under Section 498-A IPC.

In ***Mahalakshmi and Others versus The State of Karnataka and Another***⁴, Hon'ble Supreme Court has held as follows:

“About appellant nos. 2, 3 and 4, namely, Maharani T.S., Ranjanavadhan and Archana, respectively, it is also an accepted position that they were residing separately. In fact, appellant no. 2 – Maharani T.S., is a permanent resident of Secunderabad, Telangana. After marriage, accused no. 1 – Sarvan Kumar and the informant/respondent no. 2 – Rekha Bhaskaran were residing at Bengaluru, Karnataka. Having considered the charge sheet filed, we are of the view that the assertions made therein are very vague and general. Instance unless portentous, in the absence of any material evidence of interference and involvement in the marital life of the complainant, may not be sufficient to implicate the person as having committed cruelty under section 498A of the IPC. Given that the appellants were not residing at the marital home, and appellant no.1 was not even living in India, the absence of specific details that constitute cruelty, we would accept the present appeal...”

(13) The essential ingredients to attract Section 406 IPC are also found missing. Section 406 IPC reads as under:

406 IPC

⁴ 2024(1) RCR (Criminal) 70

Punishment for criminal breach of trust

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

(14) The entrustment is a sine-qua-non for proving the offence under Section 406 IPC. There is not a word in the FIR that any particular article of dowry was entrusted to the petitioner. The five suits given to her for her own use cannot be termed dowry. Thus, in the absence of specific unambiguous allegations of entrustment of specific articles of dowry to the petitioners, in the absence of further allegations that petitioner retained the dowry articles or refused to return the articles to the complainant/respondent No. 2, the offence under Section 406 IPC is also not *prima facie* attracted.

(15) In ***Suman Mishra and Ors. versus State of Uttar Pradesh and Another***⁵, it has been observed that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 Cr.P.C. or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.....”

(16) A very material circumstance which tilts the scale in favour of the petitioner is Annexure P-2, judgment dated 13.12.2024 of the Court of learned Judicial Magistrate Ist Class, Samrala, in criminal trial arising out of FIR No. 70 dated 17.05.2024 under Sections 498-A, 406 IPC, Police Station Machhiwara Sahib resulting in acquittal of co-accused i.e. the husband, father-in-law and mother-in-law of respondent No. 2. The judgment in that case has attained finality as there is no appeal filed against the said order. While rejecting prosecution case and acquitting the co-accused, learned JMJC, Samarala observed as under:

“....Thus, from above stated cross-examination of brother of the complainant i.e. PW2 and father of complainant i.e. PW3, it becomes clear that there was no demand of dowry by the accused persons at the time of marriage or before the marriage of the complainant and all the items including jewellery and cash of Rs.2.5 Lakhs were given as gifts by the family of the complainant to the family of

in laws i.e. the accused persons as gift without any demand of such dowry. Thus, the said gifts could not be termed as dowry given under the compulsion at the demand of the accused to constitute the offences under said sections. Further, as discussed above, the father/PW3 as well as brother/PW2 of the complainant have stated that the demand of dowry i.e. furniture/household items were demanded by the in-laws family of the complainant i.e. accused persons before the daughter of PW3 and sister of PW2 i.e. the complainant, however, it is pertinent to mention here that during the course of evidence, the complainant had died before stepping into the witness box for recording her evidence, thus, any such demand of dowry which has allegedly made by the accused persons could not been proved on record, as complainant never stepped into the witness box to give her evidence with regard to the same. Thus, any such, evidence of demand of dowry which PW2 and PW3 have put forth can only be termed as hearsay, as no such demand of dowry was made to them or was made in their presence, thus the same cannot be relied upon in absence of the corroboration of the complainant.....”

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“From my above discussion, it becomes clear that the doubt has been raised in the case of the prosecution. Further, it has come out during the evidence that the gifts which were given to the in-laws family of the complainant were gifted as mark of respect and no demand of dowry was made to the family of the complainant, as the father of the complainant admitted during his cross-examination that they had gifted the gifts at their own will and it was common practice among the Jatt Sikh families in Punjab to give the gifts to the family of in-laws of the girl at the time of marriage and it was further admitted that at the time of marriage all the gifts were given by them at their own will without any demand of the in-laws of his daughter, thus, the prosecution has failed to prove any demand of dowry. As such, there is no evidence on record to prove that the accused persons ever raised a demand of dowry and thereafter, they committed cruelty and caused hurt to the complainant and thus, case of the prosecution falls flat on its face.”

(17) When the main accused i.e. the husband and parents-in-law have been acquitted of the charges under Sections 498-A, 406 IPC by

the Court of competent jurisdiction, permitting the trial of the petitioner, a distant relative of the husband of complainant, who never lived with the couple, would be travesty of justice. The present case is a clear illustration of the ever increasing tendency to involve the distant relatives of the husband in the domestic quarrels in order to wreak vengeance or to secure suitable settlement. Permitting prosecution of the petitioner would be clear abuse of the legal and judicial process.

(18) Accordingly, the petition is allowed. FIR No. 70 dated 17.05.2014 under Sections 498-A/406 Indian Penal Code, Police Station Machhiwara District Khanna, along with all subsequent proceedings arising therefrom is hereby quashed qua the petitioner.

Reporter-Shubreet Kaur