



2025:DHC:8525



IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 24.09.2025

+ **W.P.(CRL) 1283/2022**

KRIPA NATH MISHRA & ORS.Petitioners

versus

STATE (NCT OF DELHI) AND ANR.Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Gayatri Puri and Mr. Jayant Singh Chauhan, Advs.

For the Respondent : Ms. Rupali Bandhopadhyaya, ASC for the State with Mr. Abhijeet Kumar and Ms. Anisha Gupta, Advs. with W/SI Usha Rani, PS J.P. Kalan and SI Bharat, PS Uttam Nagar.

Ms. Nandita Rao, Senior Advocate with Mr. Amit Peswani, Mr. Ankur Raghav and Mr. Neeleshwar Pavani, Advs. for R-2 with the victim in person.

Mr. Yuvraj Singh Rathore, *Amicus Curiae* (through VC)

CORAM

HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed seeking quashing of order dated 23.03.2022 (hereafter "impugned order") passed by the learned



Metropolitan Magistrate (hereafter ‘Trial Court’), Dwarka Courts, Delhi, pursuant to which, the petitioners were summoned in FIR No. 903/2020 dated 13.11.2020, registered at Police Station Uttam Nagar, for offences under Sections 498A/406 of the Indian Penal Code, 1860 (‘IPC’). In addition, the petitioners seek quashing of the FIR and consequential proceedings arising therefrom.

2. The present FIR was registered pursuant to a complaint filed by Respondent No. 2 against the petitioners, who are the family members of her husband namely– Sh. Priya Ranjan Mishra, alleging harassment on the ground of demand for dowry and for not returning her *stridhan*. Petitioner Nos. 1 and 2 are the father in-law and mother in-law of Respondent No. 2, respectively. Petitioner Nos. 3 and 4 are the wives of Respondent No. 2’s brother in-laws and Petitioner No. 5 is the sister in-law of Respondent No. 2.

3. Briefly stated, the facts of the case are that in April 2007, Respondent No. 2 received a marriage proposal from Sh. Priya Ranjan Mishra through her profile on the Bharat Matrimony website. After a few exchanges of conversation, it was agreed that the families of Respondent No. 2 and Sh. Priya Ranjan Mishra would meet at Bokaro, Jharkhand. It is alleged that during this meeting, in-laws of Respondent No. 2 demanded a lavish wedding ceremony along with ₹30,00,000/- in cash as dowry. Upon this demand, the father of Respondent No. 2 declined to proceed with the proposal. Thereafter, it is alleged that Sh. Priya Ranjan Mishra persistently contacted Respondent No. 2 and her brother, assuring them that no such



demands would be made by his family, and thereby persuaded her to continue with the marriage proposal. It is alleged that sometime in July-August of 2007, the ring ceremony took place at a hotel in Janakpuri, whereafter the in-laws of Respondent No. 2 along with Sh. Priya Ranjan Mishra, started demanding cash from her father, pursuant to which her father gave ₹15,00,000 to Sh. Priya Ranjan Mishra, by arranging the same from his savings. It is alleged that after the ring ceremony the demands of Sh. Priya Ranjan Mishra and his family members increased day by day.

4. The roka ceremony of Respondent No. 2 with Sh. Priya Ranjan Mishra took place on 01.06.2010 in Bokaro Steel City, Jharkhand, wherein a sum of ₹2,00,000/- was given by Respondent No. 2's parents to Sh. Priya Ranjan Mishra, along with gold items, to his family members and relatives. It is alleged that after the ceremony, the family of Sh. Priya Ranjan Mishra demanded ₹30,00,000/- in cash from Respondent No. 2's parents along with a Indigo car. Despite his incapacity, the father of Respondent No. 2 gave ₹19,00,000/- in cash and ₹1,00,00/- in the form of a DD to Sh. Priya Ranjan Mishra and his family members, after arranging the same from relatives.

5. It is alleged that at the time of the marriage, Sh. Priya Ranjan Mishra and his family members reiterated their demand for an Indigo car and exerted pressure upon the parents of Respondent No. 2, asserting that in the event of non-fulfilment of such demand, they would refrain from participating in the *baraat*. It is alleged that after the marriage function on 08.06.2010, when Respondent No. 2 reached



her matrimonial house, she was not welcomed by the family members of her husband as they were unhappy with their unmet demands.

6. It is stated that Petitioner No. 1 remarked to Respondent No. 2 that the arrangements made by her father were not in accordance with their standard and expectations. It is further stated that Petitioner No. 2 expressed dissatisfaction over the quantity of gold brought by her and allegedly taunted Respondent No. 2 that her son had been married to the daughter of a beggar.

7. It is stated that on 09.06.2010, all five petitioners entered the room of Respondent No. 2 and asked her to hand over the gold ornaments and the cash received during the wedding ceremonies, on the pretext of keeping them in safe custody. Petitioner No. 5 is alleged to have removed the gold bangles worn by Respondent No. 2 and put them on herself, stating that the same would be returned when required. Respondent No. 2, though reluctant, was pressurised into handing over all her gold ornaments to Petitioner No. 2, and the cash and valuable gifts to Petitioner No. 1 and her husband. It is further stated that since 09.06.2010, Petitioner No. 3 has retained possession of the gold chains, Petitioner No. 4 has retained the gold set given to Respondent No. 2 by her father, while Petitioner Nos. 1 and 2 still remain in possession of the other jewellery belonging to her.

8. It is stated that when she had moved with Sh. Priya Ranjan Mishra to a rented accommodation, where also she was paying rent, he often harassed and tortured her on account of non-fulfilment of dowry demands due to which she was in mental stress and agony. It is stated



that soon after the wedding, Respondent No. 2 found that her husband was neither settled in America and was neither working as an Environmental Officer in Cruise Company. She alleged that he was a drunkard and a womaniser.

9. It is stated that Petitioner Nos. 1, 2 and 5 frequently interfered in the matrimonial life of Respondent No. 2 and would allegedly make calls to her husband with the intent of instigating him to subject her to harassment, so as to compel her to meet their demands for dowry. It is further stated that Petitioner No. 2 would call Respondent No. 2 and threaten that, unless she brought money from her parents, her son would be married to another girl belonging to an affluent family.

10. In November 2010, Sh. Priya Ranjan Mishra allegedly left the company of Respondent No. 2. Upon discovering that her husband was in Manali, Respondent No. 2 travelled there only to face humiliation from him. An alleged altercation with him also resulted in her being hospitalized for spine injuries. It is alleged that Sh. Priya Ranjan Mishra would come to Delhi but not live with Respondent No. 2. It is stated that whenever Respondent No. 2 approached Petitioner Nos. 1 and 2 with a request to persuade their son to reside with her, they allegedly responded that they did not wish for her to live with them.

11. It is alleged that Sh. Priya Ranjan Mishra demanded a sum of ₹15,00,000/- from Respondent No. 2 for the purchase of a property and, upon her expressing her father's inability to provide such an amount, he abused and threatened her with dire consequences. She has



further stated that due to persistent harassment, her father ultimately arranged ₹7,00,000/- and handed it over to her husband with a request that the property be purchased in their joint names. However, her husband and his parents declined the request, and on 07.06.2016, the property at Mauza Raghunathpur, was purchased for a sum of ₹18,90,000/-, in the name of Petitioner No. 2. She alleged that her husband, Petitioner Nos. 1 and 2 and Petitioner No. 5 subjected her to mental, economic and physical cruelty and humiliation, in connection with their demands for dowry.

12. It is alleged by Respondent No. 2 that on 11.03.2017, while she was preparing food for the family, Petitioner No. 1 abused her and her parents in filthy language on account of their inability to provide a car. Respondent No. 2 claims that she tried to explain that her parents were not in a financial position to meet such a demand, upon which her husband and Petitioner No. 2 became annoyed, and Petitioner No. 2 allegedly slapped her, remarking that despite her father neither giving nor agreeing to give a car, she was arguing back.

13. It is alleged that in May of 2020, Petitioner No. 2 along with her husband and her brother in-law, demanded ₹1,00,000/- from her to give to Petitioner No. 3, and threatened her that her jewellery would otherwise be sold. It is further stated that, out of fear, Respondent No. 2 transferred an amount of ₹1,00,000/- to her brother in-law.

14. It is alleged that on 30.01.2021, Respondent No. 2's husband and Petitioner No. 2 demanded a car and a sum of ₹5,00,000/- from her, and upon her refusal, she was allegedly assaulted by her husband,



abused, and thereafter turned out of the matrimonial home at midnight, compelling her to take shelter at her parental house. This led to registration of the present FIR.

15. After the completion of investigation, chargesheet was filed on 27.11.2021 against her husband and Petitioner Nos. 1 and 2, and Petitioner Nos. 3 to 5 were kept in column No. 12. The learned Trial Court *vide* the impugned order dated 23.03.2022, summoned all the petitioners, after finding sufficient material to proceed against them.

16. Aggrieved by the impugned order passed by the learned Trial Court, the petitioner filed the present petition, seeking to quash the proceedings emanating from the present FIR.

17. After notice was issued to Respondent No. 2, she appeared in person on 31.01.2025, and submitted that she was not in a position to engage a counsel and requested for a counsel to be appointed by the Court, to represent her in the present case. By the even dated order, this Court appointed Ms. Nandita Rao, Senior Advocate and Mr. Yuvraj Singh Rathore, Advocate, as *Amicus Curiae* in the present case and to represent Respondent No. 2.

18. On 21.02.2025, this Court referred the matter to mediation on request of the learned counsels for the parties. Mediation Report dated 16.07.2025 reveals that despite best efforts and at length discussions, no settlement could be arrived at.

19. The learned counsel for the petitioners, at the outset submits that the complaint dated 24.12.2019 has been filed by Respondent No. 2 against the petitioners after a gap of 9 years, in order to settle



matrimonial discord with her husband Sh. Priya Ranjan Mishra. She submits that the allegations of monetary demands and continuous harassment has never been reported by Respondent No. 2 prior to the divorce petition filed by her husband in April of 2019.

20. She submits that on 11.04.2019, Sh. Priya Ranjan Mishra instituted a petition under Section 13(1)(ia) of the Hindu Marriage Act, 2005 against Respondent No. 2 before the Family Court, Bokaro, Jharkhand, which came to be dismissed on 06.08.2019 for want of territorial jurisdiction. Aggrieved thereby, he preferred an appeal before the High Court of Jharkhand at Ranchi, which is presently pending adjudication. She submits that the complaint filed by Respondent No. 2 is a counter-blast of the divorce petition filed by Sh. Priya Ranjan Mishra.

21. She submits that Respondent No. 2 filed her counter affidavit dated 13.04.2021, in which she has admitted that she resided at Bokaro only for a few days after the marriage ceremonies, until the rites and rituals were completed, whereafter she along with her husband, returned to Delhi, whereas the present petitioners are permanent resident of Bokaro, Jharkhand, and having nothing to do with her matrimonial acrimony. She submits that Respondent no. 5 is married since November of 2011 and has been residing in her matrimonial house in Nalanda, Bihar.

22. She submits that nothing has been placed on record by Respondent No. 1 to show proof of payments made by her and her family to the petitioners. She submits that it is her own admitted



position in her statement recorded under Section 161 of the CrPC that she does not have any proof of payments made to her husband and the petitioners, and the record of source of income to purchase the *stridhan* and jewellery given to her by her parents.

23. She submits that no specific allegations have been attributed to the petitioners, and that the contents of the FIR are vague, and frivolous, and does not constitute the ingredients to attract the provision of Section 498A of the IPC.

24. *Per contra*, the learned Additional Standing Counsel ('ASC') for the State vehemently opposes the grant of any relief to the petitioners. She submits that Respondent No.2 has made categorical allegations against the petitioners and there is no cause for quashing of the present FIR.

25. Learned *Amicus*, Ms. Nandita Rao, refers to the supplementary statement recorded under Section 161 of the CrPC and contends that specific allegations have been made by Respondent No. 2 against all the petitioners. She points out that, despite the availability of sufficient material, the prosecution has relied solely on statements recorded under Section 161 CrPC, and therefore emphasizes that the matter warrants a proper investigation.

26. She relies on the judgement passed by the Hon'ble Apex Court in ***Priyanka Jaiswal v. State of Jharkhand* : 2024 SCC OnLine SC 685**, to submit that, at this stage, the allegations against the petitioners are required to be taken at face value and may be tested at the time of trial.



27. The petitioners have invoked the inherent jurisdiction of this Court seeking quashing of the present FIR. While this Court needs to exercise restraint in stifling prosecution, however, the inherent jurisdiction can be exercised if it is found that the continuance of criminal proceedings would be a clear abuse of process of law. The Hon'ble Apex Court in the case of ***Indian Oil Corporation v. NEPC India Limited and Others : (2006) 6 SCC 736*** has discussed the scope of jurisdiction under Section 482 of the CrPC to quash criminal proceedings. The relevant portion of the same is reproduced hereunder:

*“12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few—**Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre** [(1988) 1 SCC 692 : 1988 SCC (Cri) 234] , **State of Haryana v. Bhajan Lal** [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , **Rupan Deol Bajaj v. Kanwar Pal Singh Gill** [(1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , **Central Bureau of Investigation v. Duncans Agro Industries Ltd.** [(1996) 5 SCC 591 : 1996 SCC (Cri) 1045] , **State of Bihar v. Rajendra Agrawalla** [(1996) 8 SCC 164 : 1996 SCC (Cri) 628] , **Rajesh Bajaj v. State NCT of Delhi** [(1999) 3 SCC 259 : 1999 SCC (Cri) 401] , **Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd.** [(2000) 3 SCC 269 : 2000 SCC (Cri) 615] , **Hridaya Ranjan Prasad Verma v. State of Bihar** [(2000) 4 SCC 168 : 2000 SCC (Cri) 786] , **M. Krishnan v. Vijay Singh** [(2001) 8 SCC 645 : 2002 SCC (Cri) 19] and **Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque** [(2005) 1 SCC 122 : 2005 SCC (Cri) 283] . The principles, relevant to our purpose are:*

(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused.



For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.....”

(emphasis supplied)

28. This Court cannot lose sight of the fact that the trial of the present case relates to serious allegations being made by the wife in relation to the offences under Section 498A of the IPC, and therefore, the power under Section 528 of the BNSS must be exercised sparingly and with abundant caution. The ground reality is that the social evil of greed for dowry is deeply rooted in the society and numerous victims are subjected to unspeakable conduct and harassment on account of the same. However, at the same time the Court must remain mindful of the increasing tendency to misuse the provisions of Section 498A of the IPC by implicating relatives in matrimonial disputes, as has been recognized in decisions by various decisions of the Hon’ble Apex Court.

29. In the present case, it is the case of the prosecution that Respondent No. 2 was subjected to taunts and harassment on account of unmet dowry demands. It is alleged that she was physically



assaulted and financially exploited by her husband and the petitioners on numerous occasions. Her *stridhan* is stated to have not been returned to her.

30. To quash a FIR, the complaint must be considered in its entirety, without delving into the merits of the allegations. At this stage, neither a detailed inquiry nor a thorough evaluation of the material on record, nor any assessment regarding the truthfulness or credibility of the allegations, is warranted while considering the prayer for quashing the complaint.

31. For this purpose, it is necessary to analyse the allegations made in the present FIR, against each of the petitioners.

32. It is alleged against Petitioners No. 1 and 2, that following the marriage of Respondent No. 2 with Shri Priya Ranjan Mishra, they displayed hostility towards Respondent No. 2 owing to the alleged non-fulfilment of dowry demands. Petitioner No. 1 is stated to have made remarks regarding the arrangements made by the parents of Respondent No. 2, that they did not meet their standards and expectations. Petitioner No. 2 is further alleged to have expressed his displeasure over the quantity of gold brought by Respondent No. 2 and taunted her by stating that her son had been married to the daughter of a beggar.

33. It is alleged that on 09.06.2010, Respondent No. 2 was compelled to part with all her gold ornaments in favour of Petitioner No. 2, while the cash and other valuable gifts were taken by Petitioner No. 1 and her husband. It is alleged that the jewellery belonging to



Respondent No. 2 and her *stridhan* continues to remain in the possession of Petitioner Nos. 1 and 2.

34. It is stated that Petitioner Nos. 1 and 2 frequently interfered in the matrimonial life of Respondent No. 2 and allegedly made calls to her husband with the intent of instigating him to subject her to harassment, so as to compel her to fulfil their dowry demands. It is further stated that Petitioner No. 2 would also threaten Respondent No. 2 that unless she procured money from her parents, her son would be married to another girl from an affluent family.

35. It is alleged that at the time of purchasing a new house, the father of Respondent No. 2 arranged a sum of ₹7,00,000/- and handed it over to her husband, with a request that the property be purchased in their joint names. However, the property at Mauza Raghunathpur, valued at ₹18,90,000/-, came to be purchased solely in the name of Petitioner No. 2.

36. It is alleged that on 11.03.2017, while Respondent No. 2 was preparing food, Petitioner No. 1 abused her and her parents over their inability to provide a car to his son. It is alleged that when she attempted to explain her parents' financial incapacity, her husband and Petitioner No. 2 became agitated. Petitioner No. 2 is alleged to have slapped Respondent No. 2, remarking that despite her father not giving or agreeing to give a car, she was still arguing.

37. It is stated that in May of 2020, Petitioner No. 2 was pressurising Respondent No. 2 to give cash of ₹1,00,000/- to Petitioner No. 3, or they would sell her jewellery.



38. It is further alleged that on 30.01.2021, Petitioner No. 2, along with Sh. Priya Ranjan Mishra, demanded a car and ₹5,00,000/-. Upon her refusal, she was subjected to abuse and expelled from the matrimonial home.

39. The learned counsel for the petitioners argued that the allegations *qua* the petitioners are vague, however, contrary to the said contention, a perusal of the record reveals that the allegations levelled against Petitioner Nos. 1 and 2 are very specific incidents. Particulars of the alleged instances of demand for dowry or harassment have been specified in the FIR. There is gravity in the nature of allegations made against them, including the incidents of physical assault by Petitioner no. 2, on account of the non-fulfilment of the dowry demands.

40. It is trite law that a complaint is not required to set out verbatim the statutory ingredients of the offence alleged. So long as the complaint lays down the necessary factual foundation, the proceedings cannot be quashed merely on the ground that certain ingredients have not been stated with particular elaboration. Quashing of the complaint is warranted only in cases where it is wholly bereft of the fundamental facts essential to constitute the alleged offence. [Ref: ***Indian Oil Corporation v. NEPC India Limited and Others*** (*supra*)]

41. It is observed that Respondent No. 2 has laid a clear factual foundation attributing active roles to Petitioner Nos. 1 and 2. The accusations disclose not only acts of persistent taunting and humiliation but also direct physical violence and wrongful retention of her *stridhan*. Such allegations, taken at face value, *prima facie*



constitute offences under the relevant provisions of law and cannot be brushed aside as vague or general in nature.

42. It is submitted that after investigation by the investigating agency, Petitioner Nos. 1 and 2 along with the husband of Respondent No. 2 were made accused in the present case. The chargesheet has been filed by the Investigating Officer, along with photographs and invoices provided by Respondent No.2, showing purchase of jewellery, which are stated to be verified.

43. It also emerges from the record that Petitioner No. 2 has been chargesheeted for the offence under Section 406 of the IPC. The allegations against her are not confined merely to demands of dowry but extend to the unlawful retention of the *stridhan* and jewellery belonging to Respondent No. 2.

44. The material placed on record discloses that immediately after the marriage, Respondent No. 2 was compelled to part with her jewellery and other valuables on the assurance that the same would be kept in safe custody. Petitioner No. 2 is alleged to have taken possession of such jewellery and *stridhan*, which she has not returned to Respondent No. 2 till date. Such allegations, taken at their face value, clearly attract the ingredients of criminal breach of trust under Section 406 of the IPC.

45. In her supplementary statement dated 15.10.2021, Respondent No. 2 has further reiterated that despite repeated requests, her *stridhan* and jewellery were not returned by Petitioner No. 2. She specifically mentioned that in April 2018, on the occasion of her aunt's son's



wedding, she requested Petitioner No. 2 to return her jewellery, however, Petitioner No. 2 declined to return the same.

46. While the veracity of the case of Respondent No. 2 would be tested during the course of trial, however, at this stage, it cannot be said that Petitioner Nos. 1 and 2 are being falsely implicated in the present case.

47. It is noted that the complaint in the present case was instituted by Respondent No. 2 only on 24.12.2019, after her husband, Sh. Priya Ranjan Mishra, had already filed a divorce petition under Section 13(1) of the Hindu Marriage Act, 1955 on 11.04.2019, which came to be dismissed by the learned Family Court on 06.08.2019 due to lack of jurisdiction. The same was thereafter carried in appeal before the Hon'ble High Court of Jharkhand. While the sequence of events may lend some support to the petitioners' contention that the FIR is a counter-blast to the matrimonial litigation, it cannot be overlooked that social and familial pressures often deter women from lodging complaints of cruelty or dowry harassment at the initial stage. The possibility of delayed reporting on account of such circumstances, therefore, cannot be ruled out. In any event, the divorce proceedings initiated by Sh. Priya Ranjan Mishra are independent in nature and cannot be made the subject matter of adjudication in the present petition for quashing under Section 482 of the CrPC.

48. In view of the aforesaid discussions and keeping in view the facts of the case, I find no merit in the arguments advanced on behalf of Petitioner Nos. 1 and 2. *Prima facie*, the allegations levelled against



Petitioner Nos. 1 and 2 are serious in nature and do not seem so improbable or perverse that they merit the exercise of the jurisdiction of this Court under Section 482 of the CrPC. The impugned order summoning Petitioner Nos.1 and 2 cannot be set aside at the threshold, on the grounds taken by them. The grounds, however, may be considered at the stage of trial. [Ref: *Priyanka Jaiswal v. State of Jharkhand* (*supra*)]

49. This Court shall now advert to the allegations made against Petitioner Nos. 3 to 5. It is alleged that Petitioner Nos. 3 to 5, together with other family members, entered the room of Respondent No. 2 and demanded that she hand over her gold ornaments and the cash received during the wedding ceremonies, under the pretext of keeping them in safe custody. It is further alleged that since that date, Petitioner No. 3 has continued to retain the gold chains of Respondent No. 2, while Petitioner No. 4 has kept in her possession the gold set gifted to Respondent No. 2 by her father.

50. Petitioner No. 5 is alleged to have removed the gold bangles worn by Respondent No. 2 and put them on herself, stating that the same would be returned when required. It is alleged that she frequently interfered in the matrimonial life of Respondent No. 2, and instigated her husband against her.

51. It is stated in the chargesheet that after investigation, it was found that Petitioner Nos. 3 to 5 did not demand dowry from Respondent No. 2 and neither quarrelled nor interfered with the matrimonial life of Respondent No. 2, and thus, were put in column



No. 12. Petitioner Nos. 3 and 4 are the *jethanis* of Respondent No. 2, and Petitioner No. 5 is the *nanad* of Respondent No. 2.

52. Learned counsel for the petitioners contends that the petitioners have been implicated by Respondent no. 2, in the present case, in order to settle matrimonial discord with her husband. She argues that, only few days after the wedding ceremonies, Respondent No. 2 along with her husband, returned to Delhi, whereas the present petitioners are permanent resident of Bokaro, Jharkhand, and having nothing to do with the matrimonial dispute. She submits that Respondent no. 5 is married since November of 2011 and has been residing in her matrimonial house in Nalanda, Bihar.

53. As noted in ***Indian Oil Corporation v. NEPC India Limited and Others*** (*supra*), the Court ought to look into the FIR with care and a little more closely in case it finds that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance. In such circumstances, the Court can look into the attending circumstances emerging from the record of the case and can read between the lines. It has become an increased tendency to implicate the relatives in the matrimonial disputes, whereby, if the allegations are far-fetched and it appears that the provisions of Section 498A of the IPC are misused, the Court can interfere while exercising powers under Section 482 of the CrPC [Ref: ***Achin Gupta v. State of Haryana & Another* : 2024 SCC OnLine SC 759 ; *Abhishek v. State of Madhya Pradesh* : 2023 SCC OnLine SC 1083 ; *Kahkashan***



Kausar @ Sonam & Ors. v. State of Bihar & Ors. : (2022) 6 SCC 599]

54. The learned *Amicus Curiae*, adverting to the contents of the FIR and the chargesheet, submitted that it cannot be contended that there are no allegations against Petitioner Nos. 3 to 5, and that such issues are to be tested in the course of trial.. However, upon perusal of the record, this Court finds the allegations against Petitioner Nos. 3 to 5 to be vague. Even in her supplementary statement dated 15.10.2021, Respondent No. 2 merely stated that her *jethanis* and *nanad* used to taunt her for bringing insufficient dowry, but no specific act has been attributed to them so as to attract the ingredients of Section 498A IPC.

55. Admittedly, the entire case against Petitioner Nos. 3 to 5 is based solely on the complaint filed by Respondent No. 2 and the statement recorded under Section 161 of the CrPC. No other evidence or documents have been submitted against them. It is also not in dispute that they had been put in column No. 12.

56. Pursuant to the filing of the chargesheet, the learned Trial Court summoned the petitioners *vide* the impugned order.

57. It is trite law that at the stage of issuing process, the Magistrate is required to apply his mind to ascertain whether sufficient material emerges against the persons who may or may not be named in the chargesheet. However, in the present case, the allegations against Petitioner Nos. 3 to 5 are vague and do not *prima facie* constitute the offence alleged, nor has any substantive material been placed on record to justify the cognizance taken against them by the learned



Trial Court. Nevertheless, it is pertinent to observe that the scheme of Section 319 of the CrPC empowers the learned Trial Court to proceed against any person, including Petitioner Nos. 3 to 5, if during the course of trial, credible evidence surfaces indicating their involvement in the commission of the offence. Thus, while no case is made out to summon them at this stage, the doors remain open for the arraignment of Petitioner Nos 3 to 5, should sufficient material emerge against them during trial.

58. The Hon'ble Apex Court in the case of *Pepsi Foods Ltd. v. Special Judicial Magistrate : (1998) 5 SCC 749*, underscored that summoning an accused is a serious matter and cannot be done mechanically. It was held that while the Magistrate retains the power to discharge the accused at any stage if the charge appears to be without any merit, the accused is not precluded from invoking the High Court's inherent jurisdiction under Section 482 of the CrPC. It was observed as under:

"27. We have not been able to understand as to why it was necessary for the appellants to implead the first respondent as a party to the proceedings. There are no allegations of personal bias against the presiding officer. A court is not to be equated with a tribunal exercising quasi-judicial powers. We would, therefore, strike out the name of the first respondent from the array of the parties.

28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the



law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.

29. No doubt the Magistrate can discharge the accused at any stage of the trial if he considers the charge to be groundless, but that does not mean that the accused cannot approach the High Court under Section 482 of the Code or Article 227 of the Constitution to have the proceeding quashed against him when the complaint does not make out any case against him and still he must undergo the agony of a criminal trial.....”

(emphasis supplied)

59. Concededly, Respondent No. 2 did not lodge any complaint at the initial stage regarding the alleged harassment and cruelty. While the said aspect cannot be ignored, this Court does not deem it appropriate to comment on the same when the trial is to continue against Petitioner Nos. 1 and 2.

60. The matter is now pending before the learned Trial Court for consideration for arguments on charge. It is not disputed that the learned Trial Court, after considering the arguments as advanced by Petitioner Nos. 1 and 2, would pass an appropriate order either framing charges or discharging them.



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61. Petitioner Nos. 1 and 2 are at liberty to take their arguments before the learned Trial Court at an appropriate stage.

62. In view of the above, the present petition is partly allowed and the impugned order summoning the petitioners is set aside *qua* Petitioner Nos. 3 to 5.

63. The learned Trial Court is at liberty to take appropriate steps in terms of Section 319 of the CrPC.

64. It is made clear that the observations made in the present order are only for the purpose of setting aside the impugned order summoning the petitioners in the present case, and should not affect the case in relation to the other accused persons.

65. This Court records its appreciation for the able assistance of Ms. Nandita Rao, Senior Advocate, as *Amicus Curiae*.

66. The present petition is disposed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 24, 2025

'KDK'/DR