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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-27913-2016 (O&M)**

Date of Decision : 19.05.2025

Pooja Rani

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present: Mr. Parvinder Singh Guliani, Advocate  
for the petitioner

Mr. Luvinder Sofat, Sr. DAG Punjab

Mr. Parminder Singh, Advocate  
for respondents No. 2 and 3**KIRTI SINGH, J.(Oral)****CRM-47882-2024**

This is an application for placing on record Annexure P-10 (Judgment of acquittal dated 03.12.2018), Annexure P-11 (Judgment and decree of divorce dated 08.03.2021) and Annexure P-12 (Order dated 24.02.2022 withdrawal of appeal).

For the reasons mentioned in the application, the same is allowed and Annexures P-10 to P-12 are taken on record subject to all just exceptions.

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1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.219 dated 27.09.2010 registered under Sections 406/498-A IPC at Police Station Shimlapuri, District Ludhiana (Annexure P-1) qua the petitioner along with all the subsequent proceedings arising therefrom.

**2. Factual matrix**

The facts in brief, as culled out from the present FIR are that the same was registered on the statement of respondent No. 2 (complainant-mother of respondent No. 3) against the petitioner, her parents and also against her brother with whom the marriage of respondent No. 3 had been solemnized on 26.11.2007. It was stated therein by respondent No. 2 that the marriage of her daughter was solemnized with accused Varinder Pal Lekhi, on which about Rs. 10 lacs were spent by her and a lot of household articles as also gold and silver jewelry etc. were given to the in-laws family of her daughter. However, soon after, the accused persons including the petitioner started taunting respondent No. 3 for bringing less dowry and subjected her to harassment and beatings, making constant demands for a car. Respondent No. 3 gave a birth to a daughter on 20.09.2008 and the all expenses were borne by her parents, but shortly after i.e. on 04.02.2009, respondent No. 3 was turned out of her matrimonial home with her child, for which panchayats were also convened, whereafter the accused took back the minor child but refused to let respondent No. 3 move back to her matrimonial home. Challan in the case was presented against the mother and brother of the petitioners (being the mother-in-law and husband of respondent No. 3 respectively). However, the petitioner was, alongwith her father, also put to trial after summoning them as additional accused under Section 319 Cr.P.C., but proceedings against the petitioner were stayed by this Court vide order dated 12.08.2016. Meanwhile, a petition for quashing of the present FIR on the compromise reached at between the parties was also filed but had to be withdrawn after the private respondents refused to go ahead with the same. On 03.12.2018, the mother and brother of the petitioner were acquitted in the present case vide order passed by learned trial Court.



### 3. Submissions made by learned counsel for the petitioner

The three main planks of arguments raised by the learned counsel for the petitioner to prove her innocence are that first, the petitioner is the married sister-in-law of respondent No. 3, who is happily residing in her matrimonial home at Sirsa and had no interference whatsoever in the marital life of respondent No. 3.

Second, that vague and omnibus allegations have been levelled against the petitioner. He submits that a bare reading of the FIR would make it evident that the petitioner has been accused with generic allegations, none of which stand corroborated. The sole purpose behind doing so is to cause harassment to the petitioner and other family members. Infact, the petitioner was exonerated by the investigating agency in their investigation and her name was kept in column No. 2 of the challan, however, it was only on an application filed under Section 319 Cr.P.C. that the petitioner was summoned as an additional accused in the present case. It is also submitted that during the pendency of the trial, a compromise had also been arrived at between either side and in pursuance of the same, the petition bearing No. CRM-M-7181-2013 was also filed for quashing of the FIR on that basis. Pursuant thereto, statements of all parties were also recorded to that effect, however, respondents No. 2 and 3 at the very last moment resiled from the same, constraining the petitioners therein to withdraw that petition.

Finally, he submits that the petitioner stands on an equal footing with her brother and mother, who stand acquitted in the present FIR vide judgment of the learned trial Court dated 03.12.2018.

To buttress his submissions, learned counsel for the petitioner has placed reliance upon the decisions passed by the Hon'ble Supreme Court in "Preeti Gupta vs. State of Jharkhand", (2010) 7 SCC 667, "Geeta Mehrotra and Anr. Vs.



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State of U.T. and Anr”, (2012) 10 SCC 741 and “Pritam Ashok Sadaphule and Ors. Vs. State of Maharashtra and Anr.”, (2015) 11 SCC 769. He further places reliance upon the orders passed by this Court in “Poonam Nagar vs. State of Haryana and Anr.”, CRM-M-294-2014 and “Gunmala vs. State of Haryana and Anr”, CRM-M-35816-2014.

**4. Submissions made by the learned counsel for respondents No.2& 3**

Learned counsel for respondents No.2/complainant and respondent No. 3 contends that there are specific allegations qua the present petitioner in the instant FIR. He submits that since the inception of the marriage, the petitioner had harassed and tortured respondent No.3 in all possible ways. There are also specific allegations against the petitioner regarding maltreatment and demand of dowry. Reliance has been placed upon the decision passed by Hon’ble Supreme Court in *“Kaptan Singh Vs. The State of Uttar Pradesh”, Criminal Appeal No.787 of 2021*. However, the learned counsel does not deny the fact that the husband and mother-in-law of respondent No. 3 stand acquitted in the present case vide judgment of the trial Court dated 03.12.2018.

**5. Submissions made the learned State counsel**

Learned State counsel, while referring to the reply filed by way of affidavit of Sh. Sandeep Kumar, PPS, Supervisory Officer of Police Station Shimlapuri, Ludhiana reiterates and submits that there are specific allegations leveled against the petitioner and that any averments made by the petitioner are matter of trial, which would be ascertained in due course. However, it is admitted that two other co-accused i.e. the mother and brother of the petitioner have been acquitted in the present case.



## 6. Analysis & Conclusion

Having heard learned counsel for the respective parties and having perused the material on record, the singular moot point for the consideration of this Court is whether the present FIR lodged against the petitioner herein deserves to be quashed.

A bare perusal of the present FIR indicates that the allegations levelled are non specific, especially qua the petitioner, who is the married sister-in-law of respondent No. 3 and has been living at her matrimonial home in Sirsa. The sweeping allegations levelled against the petitioner have also not been sought to be corroborated by placing any evidence on record. As has been observed in a catena of judgments merely referencing names in an FIR, without substantiating them with any evidence, are not sufficient to establish charges. This is said especially in reference to the instant case, where the husband and mother-in-law have been acquitted by the learned trial Court vide judgment dated 03.12.2018.

The Hon'ble Supreme Court of India in it's very recent judgment passed in "***Geddani Jhansi & Anr. Vs. The State of Telangana & others***", arising out of SLP (Criminal) No.9556 of 2022, has held that Courts must be cautious when family relations are sought to be brought under criminal proceedings. It was observed that:-

*"31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the penal code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the*



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*premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.*

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*35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.*

*36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is*



*whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.”*

Similarly, it was held by the Hon’ble Supreme Court in ***Dara Lakshmi Narayana and others Vs. State of Telangana and another 2024 SCC Online SC 3682***, that cases in which there is a mere reference to the names of the family members in a criminal case arising out of the matrimonial dispute, without any specific allegations indicating their active involvement, should be nipped in the bud, in absence of a clear cut prima facie case against them. The relevant observations in this regard are extracted hereunder:-

*“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.*



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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."*

In another recent judgment passed by the Hon'ble Supreme Court in ***Achin Gupta Vs. State of Haryana and another 2024 SCC Online SC 759***, it has been held that the Court must proceed pragmatically and must read between the lines to unearth whether a prima facie case for proceeding against the persons accused of an offence infact exists. It must not shut its eyes and raise its hands in helplessness by mechanically saying that the FIR and chargesheet papers disclose the commission of a cognizance offence. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the Court. The relevant observations in this regard are extracted hereunder:-

*"25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.*

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*31. We are of the view that the category 7 referred to above should be taken into consideration and applied in a case like the one on*



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*hand a bit liberally. If the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter. If the submission canvassed by the counsel appearing for the Respondent No. 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by the Cr. P.C. upon the High Court would be rendered otiose. We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the First Information Report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the First Information Report and the chargesheet papers disclose the commission of a cognizable offence. If the allegations alone as levelled, more particularly in the case like the one on hand, are to be looked into or considered then why the investigating agency thought fit to file a closure report against the other co-accused? There is no answer to this at the end of the learned counsel appearing for the State. We say so, because allegations have been levelled not only against the Appellant herein but even against his parents, brother & sister. If that be so, then why the police did not deem fit to file chargesheet against the other co-accused? It appears that even the investigating agency was convinced that the FIR was nothing but an outburst arising from a matrimonial dispute.*

32. Many times, the parents including the close relatives of the wife



*make a mountain out of a mole. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife, her parents and her relatives is the Police, as if the Police is the panacea of all evil. No sooner the matter reaches up to the Police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance to each other & fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hyper sensitive approach would prove to be disastrous for the very institution of the marriage. In matrimonial disputes the main sufferers are the children. The spouses fight with such venom in their heart that they do not think even for a second that if the marriage would come to an end, then what will be the effect on their children. Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the Police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The Police machinery cannot be utilised for the purpose of holding the husband*



*at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.”*

There is no specific evidence on record to indicate the direct involvement of the petitioner in any act of cruelty or mis-appropriation of the isticidhan. It is a well settled principle that merely by virtue of being related to the husband, persons cannot be roped into dowry cases, without substantial proof of their active participation.

Accordingly, on a conspectus of the facts & circumstances and in light of the judicial pronouncements discussed hereinabove, this Court is of the considered opinion that in the absence of any cogent reliable evidence, no purpose would be served in continuing with the criminal proceedings qua the petitioner.

Therefore, the present petition is allowed and FIR No.219 dated 27.09.2010 registered under Sections 406/498-A IPC at Police Station Shimlapuri, District Ludhiana(Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the present petitioner.

Pending miscellaneous application(s), if any, also stand disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**19.05.2025**

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*Whether speaking/reasoned? Yes/No*  
*Whether reportable? Yes/No*