

2026 LiveLaw (SC) 307

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

B.V. NAGARATHNA; J., UJJAL BHUYAN; J.

Special Leave Petition (Criminal) No.555 of 2024; March 25, 2026

CHARUL SHUKLA *versus* STATE OF U.P. & OTHERS

Criminal Procedure – Quashing of Proceedings – Matrimonial Dispute – Sections 498A, 323, 354 IPC and Sections 3 & 4 of Dowry Prohibition Act – Appeals filed by sister-in-law and parents-in-law assailing High Court order refusing to quash FIR and Chargesheet - Marriage solemnized in 2017; FIR lodged in 2023 – Held, law protects those who are vigilant about their rights (*Vigilantibus non dormientibus jura subveniunt*) – In matrimonial cases, a delay of nearly seven years can be fatal when not properly explained, as material evidence may disappear and it suggests an abuse of process.

Vague and Omnibus Allegations – Misuse of Section 498A IPC – Complainant made generalized accusations of dowry demands and harassment without material evidence or specific details of active involvement by the appellants – Held, there is a growing tendency to misuse Section 498A as a tool for personal vendetta against the husband’s family – Such generalized and sweeping accusations unsupported by concrete evidence cannot form the basis for criminal prosecution and must be "nipped in the bud".

Lack of Evidentiary Support – Section 354 IPC and Section 313 IPC – Senior Citizens and Separate Residence - Allegations of forced miscarriage (Section 313) were dropped by the Investigating Officer due to lack of medical evidence – Allegations against the father-in-law under Section 354 (Outraging modesty) lacked substantive material and specific instances – Bald allegations not supported by material facts are fatal to the prosecution's case - Father-in-law (73) and Mother-in-law (71) are senior citizens – Sister-in-law is a professor living separately from the complainant – Held, it is neither expedient nor in the interest of justice to permit prosecution where allegations are highly improbable and implausible – Appeals allowed. [Relied on *Dara Lakshmi Narayana vs. State of Telangana*, (2025) 3 SCC 735; *State of Punjab vs. Sarwan Singh*, (1981) 3 SCC 34; *State of Haryana vs. Bhajan Lal*, 1992 Suppl (1) SCC 335; Paras 22- 27]

WITH CRIMINAL APPEAL NO. OF 2026 (Arising out of Special Leave Petition (Criminal) No.609 of 2024)

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR Mr. Amit Sangwan, Adv. Mr. Bharat Mishra, Adv. Ms. Tiwari Prashantipriya Awadesh, Adv. Ms. Shivangi Singh, Adv.

For Respondent(s) Mr. Shaurya Sahay, AOR Mr. Aman Jaiswal, Adv.

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. The present criminal appeals have been preferred by the appellants assailing the order dated 18.12.2023 passed by the Allahabad High Court, Lucknow Bench in Criminal Miscellaneous Writ Petition No.9354 of 2023, wherein the High Court declined to quash the criminal proceedings arising out of FIR No.758 of 2023 registered at Police Station Mohammadi, District Khiri, at the instance of respondent No.4 (hereinafter referred to as “the complainant”) against the accused/appellants. The said FIR invoked offences punishable under Sections 498A, 323 and 313 of the Indian Penal Code, 1860 (hereinafter

referred to as “IPC”), as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as “DP Act”) and subsequently a chargesheet was filed under Sections 323, 354, 498A of IPC and Sections 3 and 4 of DP Act.

3. Briefly stated, the facts of the case are that the accused/appellant in Criminal Appeal arising out of SLP (Crl.) No.555/2024 is the sister-in-law of the complainant, whereas the accused/appellants in Criminal Appeal arising out of SLP (Crl.) No.609/2024 are the mother-in-law and father-in-law (parents-in-law) respectively of the said complainant. It is an admitted fact that the marriage between the complainant and her husband, Utkarsh Awasthi was solemnised on 16.04.2017 as per the Hindu rites and ceremonies.

4. It has been alleged by the prosecution–State/respondent No.1 and the complainant that from the inception of the marriage solemnised at Kanpur, her husband and accused/appellants herein frequently demanded dowry to the tune of Rs.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand) and a car. Due to the financial incapacity and constraints of the parents of the complainant, the said dowry demand could not be acceded to leading to the accused/appellants allegedly harassing and torturing the complainant.

5. As the complainant’s husband was employed in Ghaziabad, the complainant moved in with him within five days of their marriage and thereafter, it has been alleged that the sister-in-law, who also lives in Ghaziabad with her husband, namely, Atul, frequently stayed at the complainant’s residence and instigated the complainant’s husband against her by making false accusations that the complainant was engaged in an illicit relationship with Atul.

6. Furthermore, it has been alleged that in the month of July, 2017, when the complainant was two months’ pregnant, her husband and the appellants, upon becoming aware of the factum of the said pregnancy, raised strong objections to the continuation of her pregnancy and in furtherance of the said objection, her husband, her sister-in-law and parents-in-law allegedly barged into the complainant’s room and caught hold of her; the sister-in-law allegedly grabbed the complainant by her hair and threw her on the ground and caught hold her legs whereas the mother-in-law caught hold of the complainant’s hand, after which the husband proceeded to kick the complainant on her stomach due to which she became unconscious and suffered a miscarriage.

7. Thereafter, in October 2017, the complainant travelled with her husband to Kanpur to visit her parents-in-law to celebrate Diwali festival. During this period also, she was subjected to harassment and was compelled to reside in a hostile environment. In the absence of her husband, the father-in-law held the complainant’s hand and engaged in inappropriate conduct with her. The complainant states that when she objected to the said conduct, he physically assaulted and slapped her. When the complainant subsequently informed her husband about the aforesaid conduct of the father-in-law, he did not consider the matter objectionable and did not take any action in that regard. The complainant has further alleged that she was subjected to mental distress and harassment by the appellants.

8. On 12.11.2023, the complainant’s husband, along with the appellants, acting in concert, allegedly assaulted her and forcibly took away her jewellery and compelled her to leave the matrimonial home. The complainant thereafter contacted the police authorities, pursuant to which she was provided protection.

9. Owing to the fact that the accused/father-in-law is a well reputed advocate practicing in Kanpur, the complainant did not lodge a complaint there apprehending threat to her life.

It was only after returning to her parental home at Mohammadi and informing her mother of her plight, she submitted a complaint before the concerned Police Station at Mohammadi, District Khiri, Uttar Pradesh. Based on the said written complaint submitted by the complainant, FIR No.758/2023 was lodged with P.S. Mohammadi, District Khiri, Uttar Pradesh on 15.11.2023 against her husband and the appellants herein under Sections 498A, 323 and 313 of the IPC and under Sections 3 and 4 of the DP Act.

10. Aggrieved by the lodgment of the said FIR, the accused/appellants preferred Criminal Miscellaneous Writ Petition No.9354 of 2023 before the High Court of Judicature at Allahabad, Lucknow Bench praying for the relief of quashment of FIR No.758/2023 and a direction to respondent No.1/State not to take any coercive steps against the accused/appellants in connection with the said FIR.

11. By the impugned order dated 18.12.2023, the High Court dismissed the Criminal Miscellaneous Writ Petition No.9354 of 2023 while observing that there were specific allegations contained in the FIR which detailed as to how the complainant was beaten up leading to her forcible abortion. Furthermore, the High Court took note of the fact that there were allegations of sexual misconduct against one of the accused/appellants and therefore held that the FIR in question disclosed cognisable offence not necessitating any interference of the High Court.

12. Being aggrieved by the initiation of criminal proceedings against the accused/appellants at the behest of the complainant and dismissal of the quashing petition by order dated 18.12.2023 by the Allahabad High Court, Lucknow Bench, the appellants have preferred the instant criminal appeals.

13. This Court by order dated 19.01.2024 directed that the accused/appellants shall not be arrested in connection with FIR No.758/2023 dated 15.11.2023 registered at Police Station Mohammadi, District Khiri, Uttar Pradesh subject to the condition that they shall cooperate with the investigation. Thereafter, the investigating officer proceeded to file Chargesheet bearing No.01/2024 on 18.02.2024 against the appellants herein under Sections 323, 354 and 498A of IPC and Sections 3 and 4 of DP Act.

14. At the outset, we must point out that the allegations under Section 354 of IPC have only been invoked against the father-in-law of the complainant. Furthermore, the charges under Section 313 of IPC invoked in FIR No.758/2023 have been dropped by the investigating officer in the said chargesheet. The Chargesheet No.01/2024, culminated into Criminal Case No.634/2025 before the Court of Additional Chief Judicial Magistrate, Mohamaddi Khiri and by order dated 04.04.2025, the Chief Judicial Magistrate took cognizance upon the said chargesheet for the offences under Sections 498A and 323 of IPC and Sections 3 and 4 of DP Act against the sister-in-law and mother-in-law of the complainant and under Sections 498A, 323 and 354 of IPC and Sections 3 and 4 of the DP Act against the father-in-law of the complainant.

15. We have heard learned counsel for the accused/appellants and learned counsel for the respondent/State.

16. Learned counsel appearing for appellant/sister-in-law submitted that she is educated and has a degree in B.Tech and M.Tech. Furthermore, it has been submitted that she is gainfully employed at a college in the capacity of a professor and therefore has been living separately and away from the complainant and her husband and that after her marriage in 2010, she has never resided in Kanpur except while visiting Kanpur for participating in ceremonial functions during complainant's wedding and therefore the possibility of sharing a household with the complainant is highly improbable. It is further

submitted that the FIR in question was lodged after a period of six years and seven months from the date of the complainant's marriage i.e. 16.04.2017 and within this period not even an iota of complaint was raised by the complainant.

17. It was also argued that the allegations with respect to the termination of pregnancy are vague and omnibus inasmuch as neither the spot of occurrence nor the date and time of the occurrence is mentioned in the FIR. The fact that the complainant has not given any proof of the pregnancy nor any medical note regarding the termination of the pregnancy in the FIR, is sufficient to show that the said allegations are flimsy and concocted. The fact that the complainant neither informed her maternal family nor her relatives nor did she file any complaint before the police about said incident, goes to the root of the matter and fortifies its falsity.

18. Similar submissions have been made on behalf of the parents-in-law of the complainant including that they have been living in Kanpur, separately from the complainant and her husband and as such no domestic relationship could have been established between them and the complainant. Further, it has been submitted by learned counsel for the appellant that the father-in-law of the complainant is a senior citizen aged 73 years and that the mother-in-law is a retired BSNL employee who is also a septuagenarian, aged 71 years. It is submitted that the complainant had deserted her husband in the year 2018 and since then she has been living separately. It was further contended that the FIR in question, lodged at the instance of the complainant, constitutes a blatant abuse of the process of law and is intended to harass the aged parents-in-law, who are 73 and 71 years' old, respectively and that by no stretch of imagination, it could be stated that they harassed the complainant and threw her out of the house.

19. *Per contra*, learned counsel for the respondent/State, in support of the impugned order, submitted that the allegations made by respondent No.4/complainant, in the FIR discloses the commission of a cognisable offence and therefore warrants no interference from this Court. It is submitted that the veracity of the defence taken by the appellants is a subject matter of investigation and trial and hence this Court may refrain, while exercising its authority in the quashing petition and rather enable adjudication upon the merits of the case. At this juncture, it is pertinent to take cognizance of the fact that there is no appearance on behalf of the complainant to oppose the present appeals for quashment of legal proceedings despite service of notice on her.

20. Having heard the learned counsel appearing for the respective parties and upon a careful perusal of the material placed on record, we note that the allegations contained in the Chargesheet are under Sections 498A, 323 and 354 of the IPC and under Sections 3 and 4 of the DP Act. In order to understand the nature of the offences and to correlate the same with the allegations contained in the FIR, the relevant provisions under the IPC as well as the DP Act are extracted as hereunder:

“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 purposes 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.”

Section 323 of the IPC provides for punishment for voluntary causing hurt as defined under Section 321 of the IPC. The relevant provisions are extracted as hereunder:

“321. Voluntarily causing hurt.—Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”.

323. Punishment for voluntarily causing hurt.—Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”

Section 354 of the IPC provides for definition and punishment of assault or criminal force to woman with intent to outrage her modesty. The relevant provision is extracted as hereunder:

“354. Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.”

Further, Sections 3 and 4 of the DP Act provide the penalty for giving or taking dowry as well as for demanding dowry. The said provisions are reproduced as follows:

“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.”

Upon a plain reading of Section 498A of the IPC, it can be understood that an offence is punishable under the said provision 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 the said provision 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.

21. At the outset, we find it important to underline and highlight that the husband is not a party in the present appeals and therefore we have been mindful of the fact that the said allegations have to be viewed from the standpoint of only the accused/appellants herein who are the sister-in-law and parents-in-law of the complainant. From a perusal of the instant FIR it is apparent that the complainant has alleged that at the time of her marriage with the accused/husband, her family had given gifts as per the status of his family. Despite that from the very first day after the marriage on 16.04.2017, when the complainant started residing at her matrimonial home, the husband along with the accused/appellants started harassing the complainant and demanded Rs.8,50,000/- (Rupees Eight lakhs Fifty Thousand) along with a car as additional dowry. Furthermore, the allegations against the sister-in-law of the complainant is that she instigated the husband of the complainant by making false accusations about the complainant having an illicit affair outside the marriage. Firstly, with reference to the allegations of dowry demand and related harassment of the complainant, it is noted by us that the complainant and the prosecution have failed to put forth any material evidence or substance which support the allegations contained in the FIR and the chargesheet. A mere statement stating that the accused/appellants herein frequently demanded dowry and harassed the complainant for the same is not sufficient to initiate criminal proceedings against them when the same are not corroborated or bolstered by other materials placed on record. At the same time, the said allegations also have to be juxtaposed with the fact that the complaint was registered by the complainant only on 15.11.2023 i.e. after a delay of more than six years and seven months from the alleged dowry demand. The prosecution has failed to put forth any sufficient cause for such delay and this casts aspersions on their story. At this juncture, we find it apposite to underline the importance of taking an early recourse to pursue and prosecute criminal complaints. We find that the citizens who allege commission of an offence should not dawdle on their rights but should rather pursue them in real time in order to achieve the ends of justice as *vigilantibus non dormientibus jura subveniunt* meaning, law protects those who are vigilant about their rights. The delay or lack thereof assumes greater importance in the matrimonial cases or criminal cases between the spouses as due to the personal nature of the allegations and relationship shared between the parties, there is already an insufficiency and inadequacy of evidence to support or rebut the claims and counterclaims. A delay of nearly seven years can therefore be fatal to the prosecution’s case especially when the same has not been properly explained.

22. Furthermore, with respect to the allegations against the sister-in-law regarding the incitement of the complainant's husband in relation to the alleged extra-marital affair, the prosecution has failed to provide any specific detail and has not been able to elaborate upon the nature of the relationship or how those accusations purportedly affected complainant's relationship with her husband. It is apposite to note that upon the perusal of the records of the case, nothing material has been put forth to advance or substantiate the said allegations. Time and again, this Court has observed that merely stating certain vague and omnibus allegations without any cogent material evidence to support the same should not become a fillip to jump-start the criminal machinery of the State. At this juncture, we find it appropriate to quote the observations of this Court in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735*** which is extracted as under:

"27. 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. ...

X X X

30. 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 Page 22 of 26 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.

31. 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."

23. Further, it has been alleged by the complainant herein that in the month of July 2017, the sister-in-law, in concert with other accused/appellants, barged into the complainant's room for restraining her while the husband kicked the complainant on her stomach leading to a miscarriage. However, upon bare perusal of the Chargesheet No.01/2024 and the medical examination report annexed thereto, no offence under Section 313 of IPC has been made out. The attached medical examination report fails to ascribe or delineate any particular injury that relates to or supports the claim of the complainant either. We must hasten to add that upon completion of the investigation, the

investigating officer also deemed it fit to drop the charges under Section 313 of IPC against the accused/appellants. Therefore, the only reasonable conclusion, keeping in mind the relevant facts of the case and lack of medical evidence to substantiate or elaborate the assertions of the complainant points towards loopholes in the story of the prosecution. In this context, we find it apposite to mention that although the Allahabad High Court in the impugned order dated 18.12.2023, took cognizance of the fact that the complainant has alleged that due to critical injuries received by her due to the alleged acts of domestic violence by her husband and in-laws, the High Court did not have the benefit of perusing the chargesheet which was only filed by the investigating officer on 18.02.2024 wherein, as mentioned earlier, the said charges of causing miscarriage have been dropped and therefore only offences with lesser punishment are alleged against the accused/appellants herein.

24. It would not be out of place to mention that the delay of almost seven years between the alleged incident and lodgment of the FIR has not been explained sufficiently by the complainant. The reasons ascribed by her for the said delay is the affluent position held by her father-in-law who is stated to be a reputed advocate in Kanpur but she has failed, in our opinion, to aver any specific instances wherein the father-in-law, using the said position of reputation, threatened or restrained the complainant for more than six years so as to prevent her from filing any written complaint or approaching the appropriate authorities. At this point, we reiterate the observations made in **State of Punjab vs. Sarwan Singh, (1981) 3 SCC 34**, wherein this Court stated the object of the Code of Criminal Procedure in putting a bar of limitation as follows:

“3. ... The object of the Criminal Procedure Code in putting a bar of limitation on prosecutions was clearly to prevent the parties from filing cases after a long time, as a result of which material evidence may disappear and also to prevent abuse of the process of the court by filing vexatious and belated prosecutions long after the date of the offence. The object which the statutes seek to subserve is clearly in consonance with the concept of fairness of trial as enshrined in Article 21 of the Constitution of India. It is, therefore, of the utmost importance that any prosecution, whether by the State or a private complainant must abide by the letter of law or take the risk of the prosecution failing on the ground of limitation. ...”

25. As against the father-in-law, there are additional allegations under Section 354 of IPC wherein the complainant has alleged that he forcibly held the complainant's hand and engaged in sexually inappropriate behaviour. To attract the offence of Section 354, the ultimate test to ascertain whether the modesty of a woman has been outraged, assaulted or insulted is that the action of the offender should be such that it may be perceived as one which is capable of shocking the sense of decency of a woman. Upon the perusal of the material on record, we again fail to see any cogent evidence to support the said allegation. The complainant claims that the father-in-law held her hands and engaged in inappropriate conduct but merely making such statements claiming that there was sexual misconduct when the same are not substantiated or supported by any material detail in the Final Report filed by the Investigating Officer cannot be allowed to stand in the court of law. In this regard, the Allahabad High Court has observed that one of the allegations against the one of the accused/appellants, the father-in-law, is that he allegedly molested the complainant. In this regard the High Court failed to see that no such specific allegation or any specific instance has been stated either in the FIR or in the Chargesheet. On the contrary, it is merely stated that the father-in-law held her hands and tried to commit obscene acts with her. The complainant has failed to elaborate upon said ‘obscene acts’ allegedly committed by him. It is trite that the FIR cannot be an encyclopaedia of the events but even upon the perusal of the chargesheet as presented by the investigation officer,

the counsel for prosecution/State has not been able to substantiate or discern any substantive material in support of the allegation under Section 354 of IPC. At this juncture, it would not be out of place to mention that the complainant herself has failed to enter appearance in the present proceedings despite service of notice upon her. The said non-appearance, despite the service of notice being complete upon her, inevitably draws our attention towards an adverse inference that the complainant herself is indifferent and uninterested in contesting the said appeals.

26. Finally, it has also been contended by the complainant that after the day of Diwali, i.e. on 12.11.2023, when the complainant was at her matrimonial home at Kanpur, her husband, along with the accused/appellants herein, acting in concert, assaulted the complainant, forcibly took away her jewellery and drove her out of the matrimonial home. However, no evidence, documentary or otherwise has been provided by either the prosecution or the complainant with respect to the jewellery taken from her, the manner in which the assault took place or in what circumstances she was compelled to leave her matrimonial home. A statement making bald allegations are fatal to the case of the prosecution when the same are not supported by material facts and circumstances. At this juncture, it is pertinent to point out that although the Allahabad High Court, through its impugned judgment dated 18.12.2023 has taken due cognizance of the fact that the allegations prima facie make out a cognizable offences, but upon perusal of the material on record, it is apparent that the High Court has failed to take note of the fact that the said allegations are made without any evidentiary backing or material support for the same and hence the ingredients of the sections invoked are not fulfilled.

27. Keeping the aforesaid observations and judicial dicta laid down by this Court in mind, coupled with the delay in lodging of the FIR makes the allegations against the accused/appellants highly improbable and implausible and therefore it is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and consequent Criminal Case No.634/2025. In this regard, it would be apposite to rely on the judgment in the case of **State of Haryana vs. Bhajan Lal, 1992 Suppl (1) SCC 335 (“Bhajan Lal”)** with particular reference to paragraph 102 therein, where this Court observed 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.
- (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 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.”

28. On a careful consideration of the aforementioned judicial dictum, we find that the offence alleged against the accused/appellants herein is not made out and therefore, the judgment of this Court in the case of **Bhajan Lal** squarely applies to the facts of this case having regard to sub-paragraphs 1, 2, 3, 5, and 7. It is further noted that the parents-in-law are senior citizens. Similarly, the other accused, sister-in-law, is a well educated woman who has completed her M.Tech and B.Tech and is gainfully employed as a professor in college. In such circumstances keeping the age of the said accused persons and the future career prospects of the accused/sister-in-law in mind, this Court, is of the opinion that it is neither expedient nor in the interest of justice to permit the continuation of the present prosecution emanating from the FIR No.758/2023 and consequent Criminal Case No.634/2025 to continue *qua* the appellants.

29. In the aforementioned circumstances, keeping the judicial dicta laid down by this Court in mind, the impugned order dated 18.12.2023 of the High Court is set aside and consequently, FIR No.758/2023 dated 15.11.2023 lodged with P.S. Mohammadi, District Khiri; Chargesheet No.01/2024 dated 18.02.2024; and Criminal Case No.634/2025 before the Court of Additional Chief Judicial Magistrate, Mohamaddi Khiri thereto stand quashed *qua* the accused/appellants herein who are complainant's sister-in-law and parents-in-law.

30. It is needless to observe that the observations made in the present appeals shall not come in the way of any matrimonial or other proceedings pending between the parties which shall be decided on their own merits and in accordance with law.

The appeals are allowed in the aforesaid terms.