



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MMO No.1083 of 2025**

**Date of Decision: 05.05.2026**

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Rahul Dadhwal & others .....Petitioners

Versus

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State of Himachal Pradesh & others ... Respondents

Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

Whether approved for reporting? <sup>1</sup>

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**For the Petitioners:** Mr. Yug Singhal, Advocate.

**For the Respondents:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. Abhimanyu Rathour and Ms. Poonam Gehlot, Advocates, for respondent No.3.

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**Sandeep Sharma, Judge:**

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, prayer has been made on behalf of the petitioners for quashing of FIR No.99, dated 01.06.2022, under Sections 498-A, 406 and 34 of IPC, registered at police Station, Baijnath, District Kangra, Himachal Pradesh alongwith consequent proceedings i.e. case titled **State of Himachal Pradesh versus Rahul Dadhwal and others**, pending adjudication in the Court of learned Judicial Magistrate, First Class, Baijnath, District Kangra, Himachal Pradesh.

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<sup>1</sup>Whether the reporters of the local papers may be allowed to see the judgment?

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties, are that FIR, sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.3, Ms. Anjali Rana (**hereinafter referred to as the 'complainant'**), who alleged that her marriage was solemnized with petitioner No.1, Sh. Rahul Dadhwal, on 11.10.2021, as per Hindu rites and customs, at White Rose Banquet, Sector-18 Vasundhra, Ghaziabad (U.P.) Allegedly, on 27.02.2022, petitioners, who happen to be the husband and in-laws of the complainant, came to the parental house of the complainant in Himachal Pradesh, but while returning, did not take the complainant back with them and assured her that she could return to her matrimonial house after residing with her parents for some time. Since none from the family of the in-laws came thereafter to take the complainant back, she, alongwith her father, reached her matrimonial house at Delhi on 04.04.2022, which was found locked. She further alleged that subsequently, she came to know that her in-laws had changed their house and petitioner No.1/husband was residing at his maternal Uncle's house in Shimla. She alleged that her entire belongings were lying in possession of her in-laws. In the aforesaid background, FIR, sought to be quashed in the instant proceedings, came to be lodged against the petitioners. Though, after completion of the investigation, police has already presented the challan in the

competent court of law, but before same could be taken to its logical end, complainant and petitioner No.1 decided to get their marriage dissolved by way of mutual consent and accordingly filed joint petition bearing No. HMA No.245 of 2024 under Section 13-B of the Hindu Marriage Act before the Court of learned Additional Principal Judge (Family Court), Palampur, District Kangra, Himachal Pradesh. Afore Court, after having recorded statements of both the parties, proceeded to dissolve the marriage *interse* petitioner No.1 and the complainant by way of mutual consent (**Annexure P-3**). In the aforesaid background, petitioners have approached this Court in the instant proceedings for quashing of FIR as well as consequent proceedings pending in the competent Court of law.

3. Pursuant to the notices issued in the instant proceedings, respondent-State has filed status report, wherein the facts noticed hereinabove, have not been disputed, rather this Court has been apprised that final challan was filed before the Court concerned on 09.12.2022 and now the case has been fixed for consideration on charge on 16.01.2026.

4. Mr. Abhimanyu Rathour and Ms. Poonam Gehlot, Advocates, have put in appearance on behalf of respondent-complainant. Above named counsel, while vehemently opposing the prayer made on behalf of the petitioners, contended that factum of dissolution of marriage *interse* petitioner No.1 and the complainant

may not have any bearing upon the criminal case, rather same shall be decided on the basis of the evidence adduced on record by the prosecution. Learned counsel representing the respondent/complainant further argued that prior to filing of the petition at hand, petitioners herein had filed an application for discharge before the competent Court of law on the same grounds, but such prayer came to be rejected. They submitted that since petitioners herein have not laid challenge to the order passed by competent Court of law, thereby refusing to discharge the petitioners, present petition is otherwise not maintainable. They further submitted that statement, if any, made by the complainant in the proceedings initiated under Section 13-B of the Hindu Marriage Act to the effect that nothing remains to be given or taken between the parties may not be sufficient to discharge/acquit the petitioners for their having allegedly committed the offence punishable under Section 498-A of IPC. They further submitted that at the time of passing of decree under Section 13-B of the Hindu Marriage Act, no comprehensive settlement took place *interse* parties, rather statements, if any, were made at that time for the purpose of dissolution of marriage and same cannot be used in these proceedings filed for quashing of the FIR.

5. To the contrary, Mr. Yug Singhal, learned counsel representing the petitioners, vehemently argued that at the time of passing of decree of dissolution of marriage by way of mutual

consent, complainant had categorically stated before the Court concerned that parties had amicably settled their dispute and at present nothing remains to be given or taken interse them. He further submitted that once, in terms of the compromise arrived *interse* parties, marriage *interse* petitioner No.1 and the respondent/complainant was dissolved by way of mutual consent, there is otherwise no occasion, if any, to continue with the proceedings initiated at the behest of the complainant under Section 498-A of IPC. While making this Court peruse FIR, which is sought to be quashed in the instant proceedings, learned counsel representing the petitioners further argued that no case much less under Section 498-A of IPC is made out against the petitioners. He further submitted that at no point of time complainant ever came to be made that dowry, if any, was ever demanded by the petitioners, rather her case was that she was duped and cheated by the petitioners, who allegedly left her at her parental house with the assurance that she would be taken back, but thereafter they never returned.

6. I have heard learned counsel for the parties and have gone through the record carefully.

7. Before ascertaining the correctness and genuineness of the aforesaid submissions and counter submissions made on behalf of learned counsel representing the parties, this Court deems it necessary to discuss /elaborate upon the scope and competence of

this Court to quash the criminal complaint as well as consequent proceedings, while exercising power under Section 482 Cr.P.C.

8. A three-Judge Bench of the Hon'ble Apex Court in case titled **State of Karnataka v. L. Muniswamy and others**, 1977 (2) SCC 699, held that High Court, while exercising power under Section 482 Cr.P.C (now Section 528 of BNSS) is entitled to quash the proceedings, if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed.

9. Subsequently, in case titled **State of Haryana and others v. Bhajan Lal and others**, 1992 Supp (1) SCC 335, the Hon'ble Apex Court, while elaborately discussing the scope and competence of High Court to quash criminal proceedings under Section 482 Cr.P.C( now Section 528 of BNSS) laid down certain principles governing the jurisdiction of High Court to exercise its power. After passing of aforesaid judgment, issue with regard to exercise of power under Section 482 Cr.P.C ( now Section 528 of BNSS), again came to be considered by the Hon'ble Apex Court in case bearing Criminal Appeal No.577 of 2017 (arising out of SLP (CrL.) No. 287 of 2017) titled **Vineet Kumar and Ors. v. State of U.P. and Anr.**, wherein it has been held that saving of the High Court's inherent powers, both in civil and criminal matters, is designed to

achieve a salutary public purpose i.e. court proceedings ought not be permitted to degenerate into a weapon of harassment or persecution.

10. The Hon'ble Apex Court in **Prashant Bharti v. State (NCT of Delhi)**, (2013) 9 SCC 293, relying upon its earlier judgment titled as **Rajiv Thapar and Ors v. Madan Lal Kapoor**, (2013) 3 SCC 330, reiterated that High Court has inherent powers under Section 482 Cr.P.C ( now Section 528 of BNSS), to quash the proceedings against an accused, at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charge, but such power must always be used with caution, care and circumspection. In the aforesaid judgment, the Hon'ble Apex Court concluded that while exercising its inherent jurisdiction under Section 482 of the Cr.P.C ( now Section 528 of BNSS), Court exercising such power must be fully satisfied that the material produced by the accused is such, that would lead to the conclusion, that his/her defence is based on sound, reasonable, and indubitable facts and the material adduced on record itself overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. Besides above, the Hon'ble Apex Court further held that material relied upon by the accused should be such, as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 of the Cr.P.C

(now Section 528 of BNSS) to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice. In the aforesaid judgment titled as Prashant Bharti v. State (NCT of Delhi), (2013) 9 SCC 293, the Hon'ble Apex Court has held as under:-

“22. The proposition of law, pertaining to quashing of criminal proceedings, initiated against an accused by a High Court under Section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Cr.P.C.”) has been dealt with by this Court in Rajiv Thapar & Ors. vs. Madan Lal Kapoor wherein this Court inter alia held as under: (2013) 3 SCC 330, paras 29-30)

29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 of the Cr.P.C., if it chooses to quash the initiation of the prosecution against an accused, at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 of the Cr.P.C., at the stages referred to hereinabove, would have far reaching consequences, inasmuch as, it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 of the Cr.P.C. the High Court has to be fully satisfied, that the material produced by the accused is such, that would lead to the conclusion, that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such, as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such, as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. The material relied upon by the accused should be such, as would persuade a reasonable person to dismiss and

condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 of the Cr.P.C. to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

30.1 Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the material is of sterling and impeccable quality?

30.2 Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

30.3 Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

30.4 Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5 If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused."

11. It is quite apparent from the bare perusal of aforesaid judgments passed by the Hon'ble Apex Court from time to time that 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/her due to private and personal grudge, High Court while exercising power under Section 482 Cr.P.C (now Section 528 of BNSS) can proceed to quash the proceedings.

12. Hon'ble Apex Court in case titled **Anand Kumar Mohatta and Anr. v. State (Government of NCT of Delhi) Department of Home and Anr**, AIR 2019 SC 210, has held that abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge sheet after investigation and as such, the abuse of law or miscarriage of justice can be rectified by the court while exercising power under Section 482 Cr.P.C( now Section 528 of BNSS). The relevant paras of the judgment are as under:

16. Even otherwise it must be remembered that the provision invoked by the accused before the High Court is Section 482 Cr. P.C and that this Court is hearing an appeal from an order under Section 482 of Cr.P.C. Section 482 of Cr.P.C reads as follows:-

“482. Saving of inherent power of the High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

17. There is nothing in the words of this Section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It is settled principle of law that the High court can exercise jurisdiction under Section 482 of Cr.P.C even when the discharge application is pending with the trial court ( G. Sagar Suri and Anr. V. State of U.P. and Others, (2000) 2 SCC 636 (para 7), Umesh Kumar v. State of Andhra Pradesh and Anr. (2013) 10 SCC 591 (para 20). Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced, and the allegations have materialized into a charge sheet. On

the contrary it could be said that the abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of power of any court.”

13. Hon'ble Apex Court in case titled **Pramod Suryabhan Pawar v. The State of Maharashtra and Anr**, (2019) 9 SCC 608, has elaborated the scope of exercise of power under Section 482 Cr.P.C, the relevant para whereof reads as under:-

“7. Section 482 is an overriding section which saves the inherent powers of the court to advance the cause of justice. Under Section 482 the inherent jurisdiction of the court can be exercised (i) to give effect to an order under the CrPC; (ii) to prevent the abuse of the process of the court; and (iii) to otherwise secure the ends of justice. The powers of the court under Section 482 are wide and the court is vested with a significant amount of discretion to decide whether or not to exercise them. The court should be guarded in the use of its extraordinary jurisdiction to quash an FIR or criminal proceeding as it denies the prosecution the opportunity to establish its case through investigation and evidence. These principles have been consistently followed and re-iterated by this Court. In *Inder Mohan Goswami v State of Uttaranchal*<sup>5</sup>, this Court observed.

“23. This Court in a number of cases has laid down the scope and ambit of courts' powers under Section 482 CrPC. Every High Court has inherent powers to act *ex debito justitiae* to do real and substantial justice, for the administration of which alone it exists, or to prevent abuse of the process of the court. Inherent power under Section 482 CrPC can be exercised:

- (i) to give effect to an order under the Code;
- (ii) to prevent abuse of the process of the court, and
- (iii) to otherwise secure the ends of justice.

24. Inherent powers under Section 482 CrPC though wide have to be exercised sparingly, carefully and with great caution and only when exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the statute.”

8. Given the varied nature of cases that come before the High Courts, any strict test as to when the court's extraordinary powers can be exercised is likely to tie the court's hands in the face of future injustices. This Court in *State of Haryana v Bhajan Lal*<sup>6</sup> conducted a detailed study of the situations where the court may exercise its extraordinary jurisdiction and laid down a list of illustrative examples of where quashing may be appropriate. It is not necessary to discuss all the examples, but a few bear relevance to the present case. The court in *Bhajan Lal* noted that quashing may be appropriate where, (2007) 12 SCC 1 1992 Supp (1) SCC 335

"102. (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).

.....

(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."

In deciding whether to exercise its jurisdiction under Section 482, the Court does not adjudicate upon the veracity of the facts alleged or enter into an appreciation of competing evidence presented. The limited question is whether on the face of the FIR, the allegations constitute a cognizable offence. As this Court noted in *Dhruvaram Murlidhar Sonar v State of Maharashtra*, 2018 SCC OnLine SC3100 ("Dhruvaram Sonar") :

"13. It is clear that for quashing proceedings, meticulous analysis of factum of taking cognizance of an offence by the Magistrate is not called for. Appreciation of evidence is also not permissible in exercise of inherent powers. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken, it is open to the High Court to quash the same in exercise of its inherent powers."

14. Aforesaid law, clearly stipulates that court can exercise power under S.482 of the Code of Criminal Procedure (now Section

528 of BNSS), to quash criminal proceedings, in cases, 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.

**15.** Now being guided by the aforesaid proposition of law laid down by the Hon'ble Apex Court, this Court would make an endeavor to examine and consider the prayer made in the instant petition vis-à-vis factual matrix of the case.

**16.** Admittedly, in the case at hand, after lodging of the FIR, sought to be quashed in the instant proceedings, petitioner No.1 and respondent-complainant filed joint petition under Section 13-B of the Hindu Marriage Act before the competent Court of law for dissolution of their marriage by way of mutual consent. Court concerned, before proceeding to pass decree of dissolution of marriage by mutual consent, recorded the statement of petitioner No.1 as well as complainant, wherein they both categorically stated that they had decided to dissolve their marriage by way of mutual consent and thereafter they would have no claim of any kind against each other. Statement of complainant recorded on 04.04.2025 (*available at page No.30 of the paper book*) clearly reveals that since petitioner No.1 and complainant were unable to resolve their dispute despite there being intervention of elder members of their respective families, they of their

own volition and consent decided to get their marriage dissolved by way of mutual consent. At the time of making statements both the parties categorically stated that after passing of divorce decree, they shall have no claim of any kind against each other (“हमारा कोई लेन-देन शेष न बचा है”).

17. It is pertinent to take note of the fact that this Court, having taken note of divorce granted by the competent Court of law, coupled with the prayer made in the instant petition, deemed it necessary to summon both the parties to the Court. Pursuant to the directions issued by this Court, both the parties came present before this Court on 02.04.2026, on which date, it transpired that though respondent-complainant has no objection in quashing the FIR, but since her belongings, including gold ornaments, are yet to be returned by the petitioners, she wants to pursue criminal case lodged at her behest.

18. Though, on 02.04.2026, it also came to be argued at the behest of the respondent/complainant that there was some outside Court settlement *interse* parties prior to recoding of their statements before the Family Court, wherein petitioners had allegedly agreed to return her gold ornaments and other belongings, but such outside settlement, if any, adduced in writing never came to be produced before this Court. Though, there was no document to support afore contention raised at the behest of the respondent/complainant, but yet

petitioners agreed to pay sum of Rs. 1, 00,000/- in lieu of gold ornaments, if any, however such offer was not acceptable to the respondent-complainant. Hence, in afore background, this Court is compelled to decide the petition at hand on its own merit.

19. Though, learned counsel representing the respondent-complainant repeatedly argued that on account of non-placing of charge-sheet by the petitioners, present petition deserves dismissal, but this Court is not persuaded to agree with him in view of the facts and circumstances recorded hereinabove.

20. Since facts, as have been discussed hereinabove, are apparent and undisputed, coupled with the fact that bare reading of the FIR placed on record, clearly suggests that no allegation of demand of dowry, if any, ever came to be made at the behest of the complainant, this Court sees no reason to defer the present proceedings, enabling petitioners to place on record charge-sheet. Otherwise also, respondent-State has filed status report, wherein facts otherwise given in final report under Section 173 Cr.P.C, have been reproduced. Status report, if read in its entirety, nowhere suggests case, if any, against the petitioners under Section 498-A of IPC.

21. At this stage, it would be apt to take note of Section 498-A of IPC, which reads as under:-

**498A. Husband or relative of husband of a woman subjecting her to cruelty.—**

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

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

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

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

22. Careful perusal of the aforesaid provisions of law clearly reveals that 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. For the purpose of the aforesaid section, “cruelty” means any willful 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. Explanation (b) to Section 498-A, further provides that harassment caused to a woman with a view to coercing her or any person related to her to meet any unlawful demand for property or

valuable security, or on account of failure by her or any person related to her to meet such demand, shall also constitute an offence punishable under Section 498-A IPC.

23. Careful perusal of the FIR placed on record nowhere suggests that the petitioners ever made any demand of dowry or at any point of time they coerced or harassed complainant for bringing less dowry, rather precise case is that she was not taken back by the petitioners from her parental house and when she went back to her matrimonial house same was found to be locked. In status report, it has come that matrimonial house of the complainant situate at Delhi was sold by the petitioners, but such act, if any, cannot be construed to be act of demanding dowry. Since basic ingredients of Section 498-A of IPC are totally missing in the case at hand, coupled with the fact that parties have already settled their matter by getting their marriage dissolved by way of mutual consent and complainant as well as petitioner in their statements recorded before the learned Family Court have categorically stated that they shall have no claim against each other, no fruitful purpose would be served in case criminal proceedings initiated at the behest of the complainant are allowed to sustain, rather that would amount to putting petitioners to ordeal of protracted trial, which otherwise, in all probabilities, is bound to fail for the reasons discussed hereinabove.

24. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.99, dated 01.06.2022, under Sections 498-A, 406 and 34 of IPC, registered at police Station, Baijnath, District Kangra, Himachal Pradesh as well as consequent proceedings i.e. case titled **State of Himachal Pradesh versus Rahul Dadhwal and others**, pending in the Court of learned Judicial Magistrate, First Class, Baijnath, District Kangra, Himachal Pradesh, are quashed and set-aside and petitioners-accused are acquitted of the charges framed against them. Pending applications, if any, are disposed of. Interim directions, if any, also stand vacated.

(Sandeep Sharma),  
Judge

May 05, 2026  
(shankar)