IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 03.11.2025

\+ **W.P.(CRL) 2711/2022**

SHASHI ARORA & ANR. ..... Petitioners

versus

STATE THROUGH COMMISSIONER OF POLICE & ORS. ..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Biraja Mahapatra, Mr. Nalin Hingorani and Mr. Raunak Jain, Advocates.

For the Respondents : Ms. Rupali Bandopadhya, ASC for the State with Mr. Abhijeet Kumar and Ms. Amisha Gupta, Advocates.
SI Dipika, PS Adarsh Nagar.

CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition is filed seeking quashing of FIR No. 536/2022 dated 13.05.2022 registered at Police Station Adarsh Nagar for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') *qua* the petitioners.

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

2. Briefly stated, the FIR was registered on a complaint given by Respondent No. 3. It is alleged that Puneet Arora (husband) and his family members including Krishnan Arora (father-in-law), Rama Arora (mother-in-law), Sakshi Arora (sister-in-law), Petitioner No. 1 (massi) and Petitioner No. 2 (daughter of Petitioner No. 1) had tortured, and assaulted Respondent No. 3 in relation to demand of dowry.

3. The marriage of Respondent No. 3 and Puneet Arora was solemnized on 09.11.2019. It is alleged that prior to her marriage, her in-laws had strictly instructed Respondent No. 3's parents that the marriage ought to be conducted in a lavish manner, and consequently Respondent No. 3's parents spent approximately ₹30 lakhs in the marriage. It is alleged that prior to the marriage, the *sagan* ceremony was performed on 20.10.2019 and Respondent No. 3's in-laws on the same day demanded a car from the parents of Respondent No. 3.

4. It is alleged that post the marriage of Respondent No. 3, her in-laws took all the *sagan* money for the downpayment of the car. It is alleged that at the time of her marriage, Respondent No. 3 was told that her husband was doing a garment business and was earning approximately ₹3-4 lakhs per month. It is alleged that however, in the month of December, 2019, Respondent No. 3's husband discussed about the downfall in his business with her and demanded a sum of ₹5 lakh from her parents. It is alleged that thereafter, Respondent No. 3's

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

father arranged a sum of ₹2 lakh and gave it to Respondent No. 3's husband.

5. It is alleged that in the month of March, 2020 Respondent No. 3 and her husband were invited to dinner by her husband's friend and that on that occasion, her husband misbehaved with her and also beat her in the presence of invitees. It is alleged that on the way home, her husband also left her on a road and did not allow her to sit inside the car.

6. It is alleged that Respondent No. 3's mother-in-law and her sister-in-law tortured her on every occasion. It is alleged that they also refused her as well as her husband to go for regular visits to the doctor when she was pregnant. It is alleged that her husband and her in laws forced her to drink alcohol alongwith them and that they would also on some occasions forcefully put alcohol in her son's mouth. It is alleged that when Respondent No. 3 opposed to the same, her husband used to fight with her.

7. Respondent No. 3 alleged that Petitioner No. 1, who used to live in Suraj Mal, which was situated at a distance of 10 minutes from the house of her in-laws interfered in every matter in her house. It is alleged that Petitioner No. 2 also interfered in Respondent No. 3's life. It is alleged that Respondent No. 3's in-laws shared each and everything that was related to Respondent No. 3 to the petitioners

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

which included how Respondent No. 3 used to dress her child, what food she gave to her child etcetera.

8. It is alleged that Petitioner No. 1 also used to teach Respondent No. 3 not to disrespect her in-laws and also tried to influence her husband to create misunderstandings between them. It is alleged that whenever Petitioner No. 1 visited Respondent No. 3's in-laws, she used to say to Respondent No. 3 not to throw tantrums else she would get Petitioner No.2 married with Respondent No. 3's husband. It is also alleged that Petitioner No. 1 also complained to Respondent No. 3's father that she did not know how to interact with her in-laws. It is alleged that while the petitioners did not live in the house of Respondent No. 3's in-laws, they continued to interfere in her life. It is alleged that the petitioners used to call Respondent No. 3's in-laws every single day to learn about the day-to-day routine of Respondent No. 3 and also forced her to interact with the petitioners by sending messages on WhatsApp.

9. It is alleged that on 14.08.2021, when Respondent No. 3's in-laws were humiliating her and hurting her son and herself and the neighbors were protecting them, the petitioners came to the neighbors house and started shouting on Respondent No. 3's parents stating that Respondent No. 3 did not have any family value. It is alleged that the petitioners used to support Respondent No. 3's in-laws and insulted her parents and herself.

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

10. In her statement under Section 161 of the Code of Criminal Procedure, 1973, Respondent No. 3 stated that her *stridhan*, gifts as well as jewellery received during her marriage and at the time of the birth of her son are in the possession of her husband, in-laws and the petitioners.

11. Chargesheet has been filed in the present case and against the petitioners for the offences under Sections 498A/406/34 of the IPC.

12. The learned counsel for the petitioners submitted the present FIR is vague, frivolous and generic insofar as the allegations levelled against the petitioners is concerned and is liable to be quashed. He submitted that there is no evidence in support of the false and frivolous allegations made by Respondent No. 3 against the petitioners. He submitted that only generic assertions have been made against the petitioners which do not warrant any prosecution.

13. He submitted that it is commonplace to over implicate the distant relatives of the husband and consequently in order to check abuse of over implication in a matrimonial dispute, clear supporting material is required to proceed against the other relatives of husband and they cannot be implicated in absence of any such materials.

14. He submitted even if the allegations were presumed to be correct, no offence under Section 498A/406 of the IPC is made out against the petitioners. He submitted that the petitioners never had any quarrel with Respondent No. 3 and while the petitioners stayed in

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

Delhi, they did not stay in the house of Respondent No. 3. He submitted that the allegations levelled by Respondent No. 3, even when read at the highest, do not fall within the ambit of Section 498A of the IPC. He submitted that the allegations under Section 406 of the IPC are also generic in nature. He consequently prayed that the present FIR be quashed *qua* the petitioners.

15. The learned Additional Public Prosecutor for the State as well as the learned counsel for Respondent No. 3 submitted that the matter is at the stage of charge. They submitted that Respondent No. 3 has categorically named the petitioners in the FIR as well as her statement under Section 161 of the CrPC. They submitted that specific allegations have been made against the petitioners, and that this Court ought not use its inherent jurisdiction to stifle the prosecution at this stage.

Analysis

16. It is relevant to note that the petitioners have invoked the inherent jurisdiction of this Court seeking quashing of the present FIR. As noted above, the chargesheet has already been filed in the present case. While this Court is empowered to quash criminal proceedings even after filing of chargesheet to secure the ends of justice or to prevent abuse of law, it is well settled that ordinarily, this Court should be cautious to exercise inherent jurisdiction and interfere with the proceedings after chargesheet has been filed after thorough

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

investigation [Ref. ***State of Odisha v. Pratima Mohanty and Others*****: (2022) 16 SCC 703**].

17. At the same time, it is relevant to mention that 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***

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

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)

18. It is true that in case it is found that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance, this Court ought to look into the FIR with care and little more closely. The Court can look into the attending circumstances emerging from the record of the case and can read between the lines. 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. *Mahmood Ali & Ors. v. State of U.P & Ors.* : 2023 SCC OnLine SC 950; *Abhishek v. State of Madhya Pradesh* : 2023 SCC OnLine SC 1083 and *Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.* : (2022) 6 SCC 599**].

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

19. In the present case, it is the case of the prosecution that Respondent No. 3 was subjected to harassment and cruelty by her husband and her in-laws including the petitioners. The present petition, however, has been preferred by only two of the accused persons who are the *massi* of the husband of Respondent No. 3 (Petitioner No. 1) and her daughter (Petitioner No. 2). This Court is thus limiting the consideration of the factual matrix of the present case to that pertaining to the petitioners.

20. In the present case, the allegations levelled by Respondent No. 3 against the petitioners are as follows:

> "*Shahi my husband another massi who live in Suraj Mal vihar hardly 10 minutes distance from my in-laws house has lots of interference in every matter. Even her daughter Ashley also interfered in my life and my in laws shared each and every thing happened related to me with her that what I am giving to child how I use to dress my child kind of cloths I use to wear to my child kind of food my giving to my child infact what time I am giving milk to my child and many more. She also used to taught me that never disrespect your in laws and tried to influence my husband and try to create misunderstanding with my husband as she alongwith my mother in law and sister in law does not like me and wants to stay at their house so they were all tried their level best to not make my life happier and easier in matrimonial house.*
>
> *Sashi massi of Puneet (my husband) used to say whenever she visit my in-laws house that don't show tantrum otherwise Puneet has other option too I will make my daughter Ashley to get married with Puneet and you will left for nowhere. Infact Puneet told me that before our marriage my father took my marriage proposal to Sashi for her daughter but that time I have to wait due to my sister worst home condition and we went a fool person like you but now as she (my sister-in-law Sakshi} I getting divorced and I will take our child from you and settle with Ashley (Sahhidaughter) and will settle in US or Canada as there sister and brother arv already there*

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

on PR I will also get the PR there as we are already doing import and export businesses he further added I will take child from you as he is a baby boy so that you will not claim for any money by stating that I am aware of all legal process as we are fighting our sister's case.

Sashi Puneet massi also complaint to my father that kindly teach your daughter to interact with her sister-in-law I mean shashi and Ashley are not loving in my in-laws house but has hell lots of interference in our life she use to call to my in-laws every singly day to know about day to day routine and my in-laws also force me to interact with her by send whatsapp text messages saying that your are doing very well for us your Ara making my life happier and so on and keep on interacting with her. >Eve on 14 Aug 2021 when my in-laws are humiliating me and hurting me and my child physically and Neighbors protected me sashi came to there Neighbors house where I and my parents are siting as Neighbors are trying to protect me sashi and Ashley came and started shouting on my parents that your daughter has no family value infact many time it has been observed by me Ashley come in the protection of Puneet by covering him up and protecting him whenever Meeting happens between my parents and my in-laws both sashi and Ashley use to support my in-laws and insulting my parents, and me and I really don't know why my in-laws are always calling her in family matter none of my relatives were involved in any of my family matter then why sashi and her daughter are involved?

21. Further, in her statement recorded under Section 161 of the CrPC, Respondent No. 3 stated the following:

> "*Mera saara stridhan va uphaar, gehne jo shaadi ke samay va bachcha hone ke samay mile the vah sab mere pati-Puneet, saas Rama Arora, sasur Krishn Arora, nanad sakshi, maasi sashi arora va uski ladki aishley arora ke kabze mein hai.*"

22. The learned counsel for the petitioners has emphasized that the petitioners are the distant relatives of the husband of Respondent No. 3 and have been unnecessarily roped in the present case. It has been asserted that the petitioners have been falsely implicated in the present

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

case despite the fact that the petitioners did not even reside with Respondent No. 3 at any point in her marriage. It has also been argued that assuming but not admitting, if the allegations levelled against the petitioners are even presumed to be correct and taken at the highest, the same does not fall within the meaning of "cruelty" as provided under Section 498A of the IPC.

23. In such circumstances, this Court, before adverting to examine the facts of the present case, finds it apposite to examine the definition of "cruelty" and the purport of Section 498A of the IPC. The same 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 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.*

24. Section 498A of the IPC penalises cruelty to a woman by her husband or the relative of the husband of the woman. In accordance with Section 498A of the IPC, the term 'cruelty' encompasses the following : (a) any wilful conduct of such nature as is likely to drive

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

the woman to commit suicide or grave injury or danger to life, limb or health be it mental or physical; and (b) harassment of the woman where the harassment is made with a view to coerce the woman/any person related to her to meet any unlawful demand for any property/valuable security or the harassment is on account of the failure of the woman or any person related to her to accede to such a demand.

25. The Hon'ble Apex Court in the case of ***Payal Sharma v. State of Punjab*** **: 2024 SCC OnLine SC 3473** while quashing the FIR against the petitioner therein considering that the allegations were generic in nature had noted that while the term 'relative' had not been defined in the statute, the same must be given a meaning as is generally understood. In that light, it was noted as follows:

> *"9…. In this context, it is to be noted that the term 'relative' has not been defined in the statute and, therefore, it must be assigned a meaning as is commonly understood. Hence, normally, it can be taken to include, father, mother, husband or wife, son, daughter, brother, sister, nephew, niece, grandson or granddaughter of any individual or the spouse of any person. To put it shortly, it includes a person related by blood, marriage or adoption."*

26. Further, while commenting upon the tendency to over implicate 'relatives' of the husband by making general sweeping allegations, the Hon'ble Apex Court in ***Payal Sharma v. State of Punjab*** *(supra)* while relying upon the cases of ***Geeta Mehrotra v. State of U.P.*** **: (2012) 10 SCC 741** and ***Kahkashan Kausar v. State of Bihar*** **: (2022) 6 SCC 599** had noted further :

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

> *"In the decision in* ***Geeta Mehrotra v. State of U.P., this Court held that mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the tendency of over implication*** *viz., to draw the entire members of the household in the domestic quarrel resulting in matrimonial dispute, especially when it happens soon after the wedding.* ***In the decision in Kahkashan Kausar @ Sonam v. State of Bihar, this Court quashed proceedings in so far as family members of the husband on the ground that the allegations against them are general and ominous in nature. In matters like the one at hand when relatives not residing in the same house where the alleged victim resides, the courts shall not stop consideration by merely looking into the question where the accused is a person falling within the ambit of the expression 'relative' for the purpose of Section 498-A, IPC, but should also consider whether it is a case of over implication or exaggerated version solely to implicate such person(s) to pressurise the main accused.*** *It is also relevant to refer to the decision of this Court in State of Haryana v. Bhajan Lal, wherein after considering the statutory provisions and the earlier decisions, this Court referred to various categories of cases where the inherent powers under Section 482, Cr. P.C. could be exercised by High Court to prevent abuse of process of Court or otherwise to secure ends of justice. One among such categories is where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent man could ever reach a just conclusion that there is sufficient ground for proceeding against an accused."*
>
> (emphasis supplied)

27. It needs no reiteration that Section 498A of the IPC was inserted in the year 1983 with a view to curb the scourge and manifestations of crimes related to demand of dowry. For this reason, Section 498A of the IPC was incorporated with the object to protect women from cruelty at the hands of her husband or his relatives. However, as observed by Courts in a plethora of judgments, there has been a growing tendency to rope in even distant relatives of husbands being

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

uncles, aunts, extended family members - who do not even reside at the matrimonial house of the woman and even in the dearth of evidence to highlight their active involvement in the alleged acts of cruelty solely for the reason that such relatives may have been privy to the matrimonial acrimony of the parties. Such omnibus, sweeping and mechanical implication, however, bereft of concrete evidence, dilutes the very intent and sanctity with which the provision was incorporated.

28. This Court has minutely traversed through the record and examined the facts of the present case. The petitioners, as is evident from the record, did not reside with Respondent No. 3 in her matrimonial home. The allegations against the petitioners, as reproduced *supra*, even when taken at the highest, pertain to certain comments made by the petitioners or interference in the married life of Respondent No. 3. However, mere taunts, casual references, vague assertions or general family friction that occur in the ordinary wear and tear of marital life is not sufficient to fall within the definition of "cruelty" as embodied under Section 498A of the IPC. The allegations, even when construed liberally and accepted at face value only reveal that the petitioners were privy to the matrimonial life of Respondent No. 3 and also interfered in her married life, the same however, does not constitute cruelty as per Section 498A of the IPC which as noted above is defined as any wilful conduct that is likely to drive the woman to commit suicide or grave injury or danger to life or

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

limb (whether mental or physical) or harassment on account of dowry demand. The allegations that fall short of the statutory threshold cannot attract liability under Section 498A of the IPC.

29. Insofar as the allegations under Section 406 of the IPC are concerned, it is pertinent to note that a only a vague allegation that "*Mera saara stridhan va uphaar, gehne jo shaadi ke samay va bachcha hone ke samay mile the vah sab mere pati-Puneet, saas Rama Arora, sasur Krishn Arora, nanad sakshi, maasi sashi arora va uski ladki aishley arora ke kabze mein hai*" has been made. While such general allegations may suffice for the purpose of investigation being commenced, the same is not sufficient for the continuance of consequent proceedings *qua* the petitioners. As is evident from the record, nothing substantial has been found in the investigation or evidenced in the chargesheet so as to allow the continuance of the proceedings arising out of the FIR against the petitioners.

30. As noted above, the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India or Section 482 of the CrPC can look into the attendant circumstances emerging from the record of the case to ascertain whether the allegations are far-fetched and quash the proceedings.

31. It is pertinent to note that the present petition seeking quashing of FIR was filed way back in the year 2022 and has been pending

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17

consideration since then. It was argued that the matter is now pending before the learned Trial Court for consideration on charges.

32. On such a conspectus of facts and upon a consideration of the material on record, in the opinion of this Court, no grave suspicion arises against the petitioners for the purpose of framing of charges under Sections 498A/406 of the IPC. However, as noted above, since charges are yet to be framed in the present case, and considering the fact that the present petition for quashing of FIR has been pending consideration since the year 2022, this Court deems it apposite to quash the consequential proceedings arising out of the present FIR against the petitioners.

33. However, if at some stage, the Trial Court finds evidence to proceed against the petitioners, it is open to the learned Trial Court to take appropriate steps in accordance with CrPC.

34. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 3, 2025
DU

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:03.11.2025 19:55:17