



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

CRIMINAL APPEAL NO.....OF 2025

(ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO.12584 OF 2024)

SANJAY D. JAIN & ORS.

APPELLANTS

VERSUS

STATE OF MAHARASHTRA & ORS.

RESPONDENTS

J U D G M E N T

ATUL S. CHANDURKAR, J.

1. Leave granted.
2. The appellants who are the father-in-law, mother-in-law and sister-in-law of the 2nd respondent - the complainant are aggrieved by the rejection of their application seeking quashing of the First Information Report (for short, “the FIR”) lodged against them for the offences punishable under Sections 498-A, 377 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, “the Penal Code”).

3. Facts giving rise to the present proceedings are that the son of appellant Nos.1 and 2 and brother of appellant No.3 – Piyush was married with the complainant on 14.07.2021. It is the case of the complainant that when the marriage was solemnised, her family had given various gifts to the family of her husband. After marriage, the demand for further gifts was made by the family of the husband from time to time. When the complainant had visited her parental house after the marriage, she had carried with her number of gifts for being given to the family members of her husband. This, however, did not satisfy the appellants and their demand for further gifts/dowry continued from time to time. It is also the case of the complainant that her husband insisted upon her to engage in unnatural sex, which resulted in causing her mental torture. Ultimately on 06.02.2022, First Information Report No.20 of 2022 was registered at Bajaj Nagar Police Station, Nagpur under Section 498-A read with Section 34 of the Penal Code. Subsequently, an offence under Sections 377 and 506 of the Penal Code was also added. On completion of further investigation and after recording statements of the complainant

and witnesses, the final report came to be filed in the said proceedings.

4. The appellants as well as the complainant's husband filed an application under Section 482 of the Code of Criminal Procedure, 1973, (for short, "the Code") praying for quashing of the criminal proceedings filed against them. The High Court after considering the submissions of parties found that there was *prima facie* material on record to proceed with the trial and that the prosecution as initiated did not deserve to be stifled. The High Court, therefore, dismissed the application filed under Section 482 of the Code.

5. Being aggrieved, the accused except the husband of the complainant have filed the present proceedings, raising a challenge to the order dated 19.03.2024 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Criminal Application No.741 of 2022.

6. Mr. Kartik Shukul, learned Advocate along with Mr. Anurag Gharote, learned Advocate for the appellants submitted that on a complete reading of the FIR, it was clear that no offence under Sections 498-A, 377 and 506 read with

Section 34 of the Penal Code had been made out against the appellants. The ingredients necessary for invoking the said provisions were absent in the FIR and hence, no offence could have been registered against the appellants. The allegations as made were entirely vague in nature and in the absence of any details whatsoever it could not be said that even a *prima facie* case had been made out for proceeding with the trial. Placing reliance on the judgment of this Court in **Digambar and Another Vs. The State of Maharashtra and Another**¹, it was submitted that even if statements made in the FIR were taken at their face value and accepted in their entirety, no *prima facie* case for proceeding against the accused had been made out. The High Court, therefore, erred in refusing to quash the proceedings qua the appellants.

As regards the registration of offence punishable under Sections 377 and 506 of the Penal Code are concerned, it was submitted that no allegations whatsoever in that regard had been made against the appellants. This was clear from a complete reading of the FIR. Notwithstanding this position, the

¹ 2024 INSC 1019

High Court erred in not quashing the proceedings even as regards Sections 377 and 506 of the Penal Code. It was, thus, submitted that continuation of the criminal proceedings against the appellants would amount to an abuse of the process of law and, therefore, the same ought to be quashed insofar as the appellants were concerned.

7. Per contra, Mr. Adarsh Dubey, learned Advocate appearing for the State of Maharashtra and Mr. Sachin Patil, learned Advocate appearing for the complainant supported the impugned order. It was submitted that at this stage the Court ought to consider the complaint in its entirety. On the perusal of the entire complaint, it was clear that an offence under Section 498-A had been clearly made out against the appellants. The complainant had clearly stated that there was a consistent demand by the appellants for gifts and other items towards dowry from the complainant and her family. The items demanded had been mentioned in the complaint and other better particulars could be brought on record as evidence. Thus, taking an overall view of the matter and on perusing the complaint in its entirety, the High Court was justified in refusing

to quash the proceedings in exercise of jurisdiction under Section 482 of the Code. It would be open for the appellants to defend the proceedings during the trial and seek acquittal therein. It was, thus, submitted that no case for interference by this Court had been made out.

8. Having heard the learned counsel for the parties and having perused the FIR dated 06.02.2022 as well as the final report, we are of the considered opinion that the criminal proceedings initiated against the appellants pursuant to the registration of offence punishable under Sections 498-A, 377 and 506 read with Section 34 of the Penal Code deserve to be quashed.

9. Before examining the FIR along with the complaint of the complainant, we may refer to the parameters that are to be borne in mind while entertaining the prayer for quashing of the FIR. If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead to forming

of a *prima facie* case. As regards the ingredients for making out an offence punishable under Section 498-A of the Penal Code is concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives. These aspects have been considered in detail in a recent decision in **Digambar and Another** (supra) (to which one of us, B.R. Gavai, J, as he then was, was a party).

10. A perusal of the FIR and its consideration in entirety indicates that statements of a general nature have been made therein as against the present appellants. The complainant states that on 07.08.2021 when she had gone to her parental house, she had received a call from her mother-in-law raising a demand for clothes and jewellery. When she returned to her matrimonial house on 30.08.2021, she had taken few clothes for the family members. Except this statement, all other

statements are of a general nature as well as vague without any particulars. There are other omnibus statements made in the complaint without any particulars whatsoever. It is also to be noted that for the purpose of constituting an offence punishable under Section 498-A of the Penal Code, cruelty as indicated in the Explanation to the said provision must be stated to be inflicted. The cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. Such allegations are absent in the present case. We do not find that on a complete reading of the complaint, a *prima facie* case for proceeding under Section 498-A of the Penal Code has been made out against the appellants.

11. As regards the offence punishable under Sections 377 and 506 read with Section 34 of the Penal Code is concerned, it is seen that the allegations in this regard have been made only against the complainant's husband and not against the present appellants. The entire tenor of the complaint in that regard seeks to implicate the complainant's husband and all

incidents stated therein relate to him. There is no allegation whatsoever in that context against the appellants that would require them to face trial on that count. The proceedings insofar as the present appellants are concerned, thus, deserve to be quashed in their entirety. In our view, the High Court failed to notice this aspect of the matter while declining to quash the proceedings against the appellants.

12. For the aforesaid reasons, we are satisfied that on the touchstone of the law laid down in **State of Haryana and Others vs. Bhajan Lal and Others**², a case has been made out by the appellants for quashing of the criminal proceedings lodged against them under Sections 498-A, 377 and 506 read with Section 34 of the Penal Code. Continuation of these proceedings would amount to an abuse of the process of law and, hence, the appellants are entitled to relief.

13. Accordingly, the following order is passed:

- (i) FIR No.20 of 2022 leading to the final report under Section 173 of the Code as lodged against the appellants under Sections 498-A, 377 and 506 read

² 1990 INSC 363

with Section 34 of the Penal Code is quashed to that extent.

- (ii) It is clarified that this adjudication shall not come in the way of the respondents in the proceedings initiated against the accused No.1 - husband under Sections 498-A, 377 and 506 of the Penal Code. Observations made herein are restricted to the present appellants. The proceedings against the accused No.1 shall be adjudicated on their own merits.
- (iii) The appeal is allowed in the aforesaid terms with no order as to costs.

.....CJI.
[B.R. GAVAI]

.....J.
[K. VINOD CHANDRAN]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
SEPTEMBER 26, 2025.