IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 1980 of 2024

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JATINBHAI BHARATBHAI RAVAL & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:
MR AKSHAT M. VYAS(11572) for the Applicant(s) No. 1,2,3
MR MANAN MAHETA, APP for the Respondent(s) No. 1
MR BAKUL S. PANCHAL(3676) for the Respondent(s) No. 2
NOTICE SERVED for the Respondent(s) No. 3

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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS**

Date : 09/12/2025

ORAL ORDER

1. At the outset, learned advocate Mr.Akshat M.Vyas appearing for the applicants-accused, has submitted that he does not press the present application qua the applicant no.1-accused, namely, Jatinbhai Bharatbhai Raval, who is the husband of the complainant-victim, and seeks permission to withdraw the present application qua him.

2. Permission as prayed for is granted. Application stands disposed of qua the present applicant no.1-husband, namely, Jatinbhai Bharatbhai Raval.

3. RULE returnable forthwith. Learned APP Mr.Manan Maheta waives service of notice of rule for and on behalf of the respondent no. 1 – State and learned advocate Mr.Bakul S.Panchal waives service of notice of rule for and on behalf of the respondent no.2 – original complainant.

4. By way of preferring the present application under Section 482 of the Code of Criminal Procedure, 1973, the applicants nos.2 and 3, who are the father-in-law and mother-in-law, respectively, of the complainant-victim, seek to invoke the inherent powers of this Court, praying to quash and set-aside the FIR being I-CR No.11211001230008 of 2023 lodged before the Mahila Police Station, District Surendranagar, for the offences punishable under Sections 498A, 323, 506(2), 504 and 114 of the Indian Penal Code as well as the proceedings of the Criminal Case No.2321 of 2023.

5. Heard learned advocate Mr.Akshat M.Vyas for the applicants nos.2 and 3, learned APP Mr.Manan Maheta for

the respondent no.1 – State and learned advocate Mr.Bakul S.Panchal for the respondent no.2 – original complainant.

6. Learned advocate Mr.Vyas appearing for the present applicants nos.2 and 3 has submitted that the FIR lodged by the complainant-victim is palpably false. There is not an iota of evidence to implicate the present applicants-accused herein with the alleged offence. He has further submitted that the present applicants-accused have been residing separately in Porbandar, whereas, the complainant-victim is residing at Dhrangadhra, and the only allegation levelled against them is that they were inciting and provoking their son (i.e. the husband of the complainant-wife), who was subsequently inflicting torture upon the complainant-victim. Learned advocate has, therefore, submitted that the complainant-victim has made vague, omnibus and general allegations against the applicants-accused, and no specific role has been attributed to both the present applicants-accused.

7. Learned advocate Mr.Vyas has submitted that the impugned FIR, even if it is taken at its face value, could not even establish the offence as alleged in the FIR. There is no serious allegation against the present applicants nos.2 and 3. He has, therefore, urged that considering the above, the present application may be allowed and the impugned FIR may be quashed and set-aside qua the present applicants-accused.

8. Learned APP Mr.Manan Maheta appearing for the respondent – State has vehemently opposed the present application and has submitted that having regard to the gravamen and seriousness of the offence committed by the present applicants-accused, the present application may not be entertained and the same may be rejected.

9. Learned advocate Mr.Bakul S.Panchal appearing for the complainant-victim, while strongly opposing the present application, has adopted the arguments canvassed by the learned APP and submitted that considering the severity

and gravamen of the offence, the present application may not be entertained and the same may be rejected.

10. On plain reading of the FIR, it appears that the applicants-accused, who are the father-in-law and mother-in-law of the complainant-victim, have been residing separately in Porbandar, whereas, the complainant-victim is residing at Dhrangadhra, and the only allegation levelled against them is that they were inciting and provoking their son, who was subsequently inflicting torture upon the complainant-victim. It further appears from the FIR that the allegations made by the complainant-victim in the FIR are vague, omnibus and general in nature and no specific role has been attributed to the present applicants-accused.

11. Having heard learned advocates appearing for the respective parties and having considered the arguments canvassed by them as well as taking into consideration the averments made in the application, I am of the view that there is hardly any likelihood of the applicants-accused

being convicted on the face of such FIR. Thus, it appears that continuing further with the proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law. Further, the same would put the applicants-accused to unnecessary harassment/hardships. Therefore, this Court is of the considered opinion that the matter requires consideration. Hence, to secure the ends of justice, the impugned FIR is required to be quashed and set-aside in exercise of the powers conferred under Section 482 of the Code of Criminal Procedure, 1973.

12. This Court has also gone through the recent pronouncement of the Supreme Court in the case of ***Shobhit Kumar Mittal vs. State of Uttar Pradesh and another***, reported in *2025 INSC 1152*, wherein the Supreme Court has, in paragraphs-22 and 23, observed thus :

> *"22. Furthermore, at this juncture, we find it appropriate to quote the observations of this Court in Dara Lakshmi Narayana vs. State of Bihar, (2025) 3 SCC 735 wherein*

it was observed:

> *"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. We say so for the reason that while the complainant/respondent No.2 has made vague and omnibus allegations against the accused/appellant herein, she has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.*

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 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. In the aforementioned facts of the case and keeping the judicial dicta rendered by this Court in mind, we find that the impugned order dated 27.02.2024 of the High Court ought to be set aside and is set aside. Consequently, FIR No.347 of 2023 dated 09.11.2023 lodged at Police Station Civil Lines, Meerut and all consequent proceedings initiated pursuant

thereto stand quashed, only qua the accused/appellant herein."

13. In the result, the application is allowed. The FIR being I-CR No.11211001230008 of 2023 lodged before the Mahila Police Station, District Surendranagar, for the offences punishable under Sections 498A, 323, 506(2), 504 and 114 of the Indian Penal Code as well as the proceedings of the Criminal Case No.2321 of 2023, are hereby ordered to be quashed and set-aside qua the present applicants nos.2 and 3. All other consequential proceedings arising pursuant thereto are also quashed and set-aside.

14. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J.)

/MOINUDDIN