



**REPORTABLE**

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

**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2026**  
**(@ SPECIAL LEAVE PETITION (CRIMINAL) NO. 18345 of 2024)**

**ARTI MEHTA & ORS. ...APPELLANT (S)**

**VERSUS**

**THE STATE OF MADHYA PRADESH & ANR. ...RESPONDENT(S)**

**With**

**CRIMINAL APPEAL NO(s). \_\_\_\_\_ OF 2026**  
**(@ SPECIAL LEAVE PETITION (CRIMINAL) NO. 1234 of 2025)**

**ARTI MEHTA & ORS. ...APPELLANT (S)**

**VERSUS**

**SAPNA DHAKAD ...RESPONDENT(S)**

**J U D G M E N T**

**NONGMEIKAPAM KOTISWAR SINGH, J.**

Leave granted in both the SLPs.

- 2.** This common order disposes of both the Criminal Appeals arising out of Special Leave Petition (Criminal) No.

18345 of 2024 and Special Leave Petition (Criminal) No. 1234 of 2025 as both these appeals relate to connected incidents in the proceedings initiated at the instance of Respondent No.2, namely Sapna Dhakad (hereinafter referred to as “complainant”), arising out of matrimonial discord between Respondent No.2 and her husband, namely Divyaraj Dhakad.

**3.** Special Leave Petition (Criminal) No. 18345 of 2024 was filed against the judgment and order dated 21.11.2024, passed by the Ld. Single Bench of the High Court of Madhya Pradesh (Bench at Gwalior) in Misc. Criminal Case No. 14615 of 2023 whereunder the High Court declined to exercise its jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short “CrPC”) for quashing the FIR/Crime No. 41/2023 dated 13.01.2023, registered at Police Station Guna, District Guna, Madhya Pradesh under Sections 498A and 34 of the Indian Penal Code, 1860 (for short “IPC”) and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short “Dowry Act”) by holding that, there is *prima facie* material against the appellants, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad.

The High Court further observed that the allegations levelled against the appellants were specific and direct in nature, thus warranting prosecution.

**4.** Special Leave Petition (Criminal) No. 1234 of 2025 has been preferred against the judgment and order dated 21.11.2024, passed by the Ld. Single Bench of the High Court of Madhya Pradesh (Bench at Gwalior) in Misc. Criminal Case No. 20269 of 2023, whereunder the High Court declined to exercise jurisdiction under Section 482 of the CrPC for quashing the criminal proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”) in D.V. Complaint No. 1752 of 2023 pending before the Court of the Judicial Magistrate, First Class, Guna, District Guna, Madhya Pradesh. While dismissing the petition preferred by the present appellants, the High Court observed that the appellants, admittedly being relatives of the respondent-wife, would fall within the ambit of the expression “respondent” as defined under Section 2(q) of the DV Act. The High Court further held that even female relatives can be arrayed as respondents in proceedings under the DV Act and that the proceedings under Section 12

of the DV Act operate in a distinct sphere from proceedings under Section 498A IPC, the DV Act itself providing penal consequences under Section 31 only upon breach of protection orders. Taking note of the fact that the proceedings were still at a nascent stage, the High Court concluded that no case for interference under Section 482 CrPC was made out and accordingly, declined to quash the proceedings.

**5.** Being aggrieved by the refusal of the High Court to quash the aforesaid criminal proceedings pending before the concerned Magistrates, the present appeals have been preferred.

**6.** The gravamen of the case set up by the appellants in both the appeals is that they have been falsely implicated merely on account of being relatives of the husband and that the allegations levelled against them are wholly omnibus, vague and bereft of any specific overt act attributed to them, thus, incapable of being fastened with criminal liability under Section 498A IPC or the provisions of the Dowry Act and the DV Act, which unfortunately, the High Court had failed to appreciate. It has further been contended that the

FIR is manifestly retaliatory in nature, having been lodged immediately after the husband instituted divorce proceedings under Section 9 of the Hindu Marriage Act, 1955 (for short "HMA"). Learned counsel for the appellants also drew attention to the pleadings in the divorce petition filed by the Respondent No.2 herself, wherein she admitted that she was residing with her husband in the government quarters at Sheopur, thereby contradicting the allegations in the FIR regarding residing with the in-laws at Shivpuri. It was thus submitted that neither any domestic relationship nor any shared household within the meaning of Sections 2(f) and 2(s) of the DV Act has been established qua the appellants, who were residing separately.

**7.** Per contra, learned counsel appearing on behalf of the complainant/wife supported the impugned judgments passed by the High Court and contended that the allegations contained in the FIR and the complaint under the DV Act clearly disclose commission of cognizable offences against the present appellants. It was submitted that the FIRs arising out of matrimonial disputes cannot be expected to contain an exhaustive or encyclopaedic narration of each

and every incident, and that mere absence of minute particulars at the threshold cannot be a ground for quashing criminal proceedings. Learned counsel further submitted that the allegations relating to dowry demands, mental and physical harassment and expulsion from the matrimonial home constitute triable issues requiring appreciation of evidence during trial. It was also contended that the question whether the complainant shared a domestic relationship or shared household with the appellants within the meaning of the DV Act is essentially a disputed question of fact which cannot be conclusively determined in proceedings under Section 482 CrPC.

**8.** The relevant facts in brief, as may be culled out from the pleadings and materials placed on record, are that on 13.01.2023, the complainant Respondent No. 2, namely Sapna Dhakad accompanied by her brother, Dr. Arun Prakash Dhakad, visited the Police Station Guna, District Guna, Madhya Pradesh, stating that her marriage took place with one Divyaraj Dhakad on 19.11.2019, and that at the time of her marriage, the complainant's father had given Thirty-one lakh Rupees in cash, and gold jewellery worth Ten

lakh Rupees and other household items by way of dowry. It was further alleged that about six months after the marriage, the husband started harassing the complainant on the ground that he could not bear her expenses and demanded that she bring more money from her parental home. According to the complainant, upon her refusal, the husband along with the present appellants who are complainant's sister-in-law (Appellant No. 1), complainant's mother-in-law (Appellant No. 2), complainant's brother-in-law (Appellant No. 4) and the wife of the complainant's brother-in-law (Appellant No. 3) started subjecting the complainant to mental and physical cruelty, abusing her and repeatedly asking her to return to her parental home if additional dowry was not brought. The complainant further alleged that while the husband used to remain posted at Sheopur, he would leave her at the in-laws' house at Shivpuri and, whenever she requested that she be permitted to reside with him at Sheopur, he would abuse her in filthy language, assault her and subject her to physical and mental harassment. It was also alleged that the appellants used to regularly pressurise the complainant to bring dowry and

would tell her that she could not continue to stay in the matrimonial home unless such demands were fulfilled. The complaint further states that owing to the continuous harassment and torment over alleged dowry demands, the complainant was compelled to reside at her parental home for the preceding six months. It was additionally alleged that on 08.09.2022, the husband visited the complainant's parental home, abused both the complainant and her family members and refused to take her back with him. The complainant also stated that prior to lodging the FIR, she had approached the Family Counselling Centre at Guna; however, despite counselling efforts, the husband and his family members were unwilling to keep her with them.

**9.** On the basis of the aforesaid complaint, FIR/Crime No. 0041/2023 dated 13.01.2023 came to be registered at Police Station Guna, District Guna, Madhya Pradesh under Sections 498A and 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 against the complainant's husband as well as the present appellants, namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad. Subsequently, after

investigation, the police filed the charge-sheet against the accused persons before the competent Court, pursuant to which criminal proceedings came to be instituted and are presently pending before the Court of the Judicial Magistrate First Class, Guna, Madhya Pradesh.

**10.** Apart from the aforesaid FIR, the complainant/wife also instituted proceedings under the DV Act by filing Complaint No. 1752/2023 on 04.04.2023 under Sections 9(b), 37(2)(c) read with Section 12 of the DV Act before the One Stop Centre (Women's Cell), District Guna, Madhya Pradesh, against her husband and the present appellants. In the said complaint, the respondent-wife reiterated allegations of mental and physical cruelty and additionally alleged that after marriage, she started residing with her husband at Sheopur, where the husband would leave for duty in the morning and return late in the night, even on government holidays. It was alleged that after some time the husband informed her that a substantial part of his salary was being spent on his father's medical treatment for cancer and, therefore, demanded that she bring additional money from her parental home. According to the complainant, upon

her refusal, the husband, along with the present appellants, started subjecting her to mental and physical harassment. The complaint also contains allegations relating to certain acts allegedly committed by the husband, including restricting her movement, abusing and assaulting her whenever she went outside the house, and allegedly placing hidden cameras and recording devices in the room occupied by her. It was further alleged that while residing at Sheopur, the husband would frequently leave the complainant at the in-laws' house at Shivpuri and that in April 2022, she was made to stay there for about a month. The complainant alleged that the brother-in-law, Vikram Dhakad (present Appellant No. 4), questioned her presence at the in-laws' house and told her either to bring money from her parental home or reside with her husband at Sheopur or stay at her maternal home in Guna, and thereafter she was not permitted to continue staying at Shivpuri. The complainant further alleged that the mother-in-law, Shrivati Bai Dhakad (Appellant No.2) and the wife of her brother-in-law, Manisha Dhakad (Appellant No. 3), used to insult her on trivial issues and demand money from her. According to the complainant,

whenever she informed the husband's family members about his conduct, Appellant No.4 Vikram Dhakad allegedly told her that the family members could not repeatedly come to Sheopur and that she should either continue living with the husband in the manner he kept her or go back to her parental home at Guna. The complainant further alleged that when she narrated the husband's conduct to her sister-in-law Arti Mehta (Appellant No. 1), she was scolded, threatened to remain quiet and fulfil the family's demands if she intended to continue residing in the matrimonial home. It was further alleged that all the present appellants consistently supported the husband despite being informed of his alleged conduct.

**11.** On 06.04.2023, Judicial Magistrate First Class, Guna, upon considering the complaint filed by Respondent No.2 under Section 12 of the DV Act, took cognisance of the allegations and initiated proceedings in D.V. Complaint No. 1752 of 2023 against the husband as well as the present appellants.

**12.** At this stage, it may be apposite to note that the allegations between the parties are not one-sided and that

both sides have traded serious allegations against each other arising out of matrimonial discord. Prior to the institution of the aforesaid criminal proceedings by the complainant, the husband had instituted proceedings under Section 9 of the Hindu Marriage Act, 1955, being RCS HM No. 12 of 2023, before the Family Court seeking restitution of conjugal rights. Subsequently, the complainant herself instituted Divorce Petition No. RCS HM/156/2023 before the Court of the Principal Judge, Family Court, Guna, Madhya Pradesh, alleging cruelty, harassment and adulterous conduct on the part of the husband. The pleadings exchanged between the parties in the matrimonial proceedings indicate a deeply strained marital relationship and disclose several mutual allegations relating to cruelty, incompatibility and matrimonial discord. It has also been brought to the notice of this Court that during the pendency of the present proceedings, a decree of divorce has been granted by the competent Family Court, thereby dissolving the marriage between the husband and complainant.

**13.** As we proceed to examine the issues involved, we may briefly allude to the law relating to quashing of FIRs/criminal

proceedings, which is well-settled and summarised by this Court in the ***State of Haryana and Ors. v. Bhajan Lal and Ors.***<sup>1</sup> in which this Court held as follows:

*“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.*

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<sup>1</sup> 1992 Supp (1) SCC 335.

*(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.”*

**14.** In the present case, it has been submitted on behalf of the Respondent-State of Madhya Pradesh, that pursuant to completion of investigation in FIR/Crime No. 0041/2023, the charge-sheet/challan has already been filed before the competent Court and, after dismissal of the quashing petition by the High Court on 21.11.2024, the same came to be registered as RCT No. 2215/2024 on 10.12.2024 before

the Court of the Judicial Magistrate First Class. It has further been pointed out that the proceedings initiated under the DV Act in Complaint No. 1752 of 2023 are also pending adjudication before the competent Court. However, mere filing of the charge-sheet or pendency of proceedings under the DV Act would not by itself preclude this Court from interfering with the criminal proceedings, if upon examination of the FIR, the DV complaint and the material collected during investigation, it is found that no *prima facie* case is made out against the present appellants and that continuation of the proceedings would amount to abuse of the process of law. As noted hereinabove, the consistent plea of the appellants in both proceedings is that the allegations levelled against them are wholly omnibus and generalised in nature, without attribution of any specific overt act constituting the ingredients of the alleged offences.

**15.** In this context, it would be apposite to refer to the observations made by this Court in ***Anand Kumar Mohatta v. State (NCT of Delhi)***<sup>2</sup>, wherein the scope and ambit of the High Court's jurisdiction under Section 482 CrPC, even after

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<sup>2</sup> (2019) 11 SCC 706.

filing of the charge-sheet, was explained in the following terms:

*“14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge-sheet is filed, petition for quashing of FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59: (2011) 3 SCC (Cri) 23]. In Joseph Salvaraj A. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23] , this Court while deciding the question whether the High Court could entertain the Section 482 petition for quashing of FIR, when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed : (SCC p. 63, para 16)*

*“16. Thus, from the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge-sheet had been filed, the learned Single Judge [Joseph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not.”*

*15. Even otherwise also, it must be remembered that the provision invoked by the accused before the High Court is Section 482 of the CrPC and that this Court is hearing an appeal from an order under Section 482 of the CrPC. Section 482 of the CrPC reads as follows:*

**“482. Saving of inherent powers 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.”*

*16. There is nothing in the words of this section which restricts the exercise of inherent powers by the Court to prevent the abuse of process of court or miscarriage of justice only up to the stage of the FIR. It is settled principle of law that the High Court can exercise jurisdiction under Section 482 of CrPC even when the discharge application is pending with the trial court [G. Sagar Suri v. State of U.P., (2000) 2 SCC 636, para 7, Umesh Kumar v. State of A.P., (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 materialised into a charge-sheet. On the contrary it could be said that the abuse of process caused by the registration of the 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 any court.*

**16.** Keeping the aforesaid legal position in mind, we will examine whether the facts/materials obtained in the present case would warrant interference of this Court under Section 482 of the CrPC for quashing the said criminal proceedings pending before the concerned courts.

**17.** As far as the first complaint is concerned, pursuant to which FIR/Crime No. 0041/2023 came to be registered and the subsequent charge-sheet/challan has been filed before the competent Court, resulting in the criminal proceedings

presently pending before the Court of the learned Judicial Magistrate First Class, Guna, the relevant allegations contained in the complaint/FIR may be reproduced as under:-

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*Complainant Mrs. Sapna Dhakad, wife of Divyraj Dhakad, aged 30 years, residing at Sadar Bazaar, Shivpuri, currently living at Nayapura, Baiju Chowk, Guna, mobile number 9300797608, along with her brother Dr. Arun Prakash Dhakad, appeared at the police station and orally reported that on 19.11.2019, her marriage took place with Divyraj Dhakad, who is currently posted as a Revenue Inspector in the Tehsil Baroda, District Sheopur, according to Hindu rituals. My father gave thirty-one lakh rupees in cash, ten lakh rupees worth of gold jewelry, and other household items at the time of the marriage. Six months after the marriage, my husband started harassing me and would say that he could not bear my expenses and that I should bring more money from my parental home. Then I said that my father had already given you a large dowry, and now I cannot get you a single rupee from my parents. After this, my husband and in-laws - 1. Brother-in-law Vikram Dhakad, 2. Sister-in-law Manisha Dhakad, 3. Mother-in-law Shrivati Bai Dhakad, 4. Sister-in-law Aarti Mehta - started to be upset with me. After this, my husband and in-laws started abusing me and would tell me to go and live with my parents, as they would not keep me there. My husband would leave me alone at my in-laws' house In Shivpuri and go to Sheopur. When I told them that I also wanted to live with him in Sheopur, my husband would abuse me with filthy language about my mother and sister, beat me, and physically and mentally torture me. He would not take me with him. My husband's family - 1. Brother-in-law Vikram Dhakad, 2. Sister in-law Manisha Dhakad, 3. Mother-in-law Shrivati Bai Dhakad, 4. Sister-in-law Aarti Mehta - would demand dowry from me every day and would tell me that if I did not bring dowry, I should go back to my parental home. In this way, my husband and in*

laws have been continuously tormenting me over dowry demands. Distressed by the torture from my in-laws, I have been living at my father's house for the past 6 months. On 08.09.2022, around 2:00 PM, my husband came to my parental home in Nayapura, Guna, and told me that he would not keep me with him. He abused me and my family, refusing to take me with him, and then left. I had lodged a complaint against my husband and in-laws at the Family Counseling Center in Guna, but even there, my husband and in-laws were not ready to keep me with them. Therefore, I have come to the police station today to file a report. I am filing the report and request action to be taken."

*(emphasis added)*

**18.** Ordinarily, filing of a charge-sheet signifies culmination of the investigation during which the investigating agency collects the material and evidence forming the basis for proceeding against the accused. At the same time, while examining the legality and sustainability of the criminal proceedings in exercise of jurisdiction under Section 482 CrPC and Article 136 of the Constitution, this Court is not confined merely to the FIR in isolation and may also consider other contemporaneous pleadings and documents placed on record having a bearing on the allegations levelled between the parties. Accordingly, in the present case, apart from the allegations contained in the FIR and the complaint under the DV Act, this Court deems it appropriate to also examine the pleadings taken by

complainant/wife in the matrimonial proceedings, particularly the divorce petition instituted by her before the concerned Family Court, so as to appreciate the nature, consistency and tenor of the allegations made against the present appellants.

**19.** In this regard, we may refer to the divorce petition filed by the complainant before the competent Family Court, relevant portions of which are reproduced hereinbelow: -

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*2. That, after marriage on 20.11.2019, after auspicious adieu, the non-applicant took her to his house at 38, Dhakad Jewellers Sadar Bazar Shivpuri, Tehsil Shivpuri District Shivpuri. All the social rituals that take place after marriage were performed at the house of the non-applicant at 38, Dhakad Jewellers Sadar Bazar, Shivpuri. After marriage, the applicant lived with the non-applicant at his house in Shivpuri as husband and wife and continued to lead their married life. The non-applicant being in government service and being posted as Revenue Inspector in Tehsil Baroda District Sheopur, has got a government quarter in Sheopur. After some time of marriage, the non-applicant took the applicant to live in his government quarter in Sheopur. Then the applicant saw that the non-applicant used to go to his government duty by 9.30 in the morning and used to return home by 10-11 pm. When he came home after duty at night, sometimes he used to eat at home and sometimes he had eaten outside. Similarly, the routine of the non-applicant remained the same even on government holidays. Since the applicant is the married wife of the non-applicant, when she asked him about not eating at home, the non-applicant used to scold the applicant*

instead of giving the right answer. This kind of behaviour of the non-applicant started giving rise to doubts in the mind of the applicant. Whether the non-applicant has made arrangements for his food and stay at some other place.

3. The applicant experienced Karva Chauth for the first time at her in-laws' place on 04/11/20 in Sheopur. When Karva Chauth came, the non-applicant told the applicant that let's go and celebrate Karva Chauth at home in Shivpuri. We reached Shivpuri around 5 pm. After reaching home, within 10 minutes, the non-applicant told the applicant that the necessary documents have arrived in the car and we will have to go back to Sheopur to give them. After that, the non-applicant returned to his home in Shivpuri around 10.30 pm. The applicant kept wafting to break her fast of Karva Chauth till 10.30 pm. Thus, when the second Karva Chauth came on 24,10.2021, even then the applicant and the non-applicant lived in the government quarters of Sheopur. At 8 pm, just before the moonrise, the non-applicant went out... The non-applicant considers some other woman as his wife. The non-applicant is in government service and is posted on the post of Revenue Inspector...

4. That it has been more than 3 years since the applicant got married and she does not have any child yet. The non-applicant has not even got the marriage certificate made nor has the non-applicant added the applicant's name in his family's ID. This gives rise to many kinds of thoughts in the applicant's mind. The applicant has become completely confident. The non-applicant has kept some other woman as his wife. The non-applicant talks to me very rarely. He used to sleep in a separate room from mine. He used to make me sleep in the inner room. He used to lock my room from the outside. He used to talk to someone else for hours at night in the outer room. When he used to come out of his room during daytime and talk on a particular number. Then the neighbouring women used to ask the applicant as to whom he keeps talking to for hours.

*Why don't you make your husband understand. When the applicant asked the non-applicant as to whom he keeps talking to for hours after going out, the non-applicant said that he is talking to a friend.*

*5. That after some time of marriage, the non-applicant told the applicant that my entire salary is spent on my father's treatment and now I am unable to bear your expenses. My father has got a disease like cancer. For this reason, now bring some money from your parents so that I can get my father treated. The applicant told the non-applicant that your father and brother have a big shop of gold and silver jewellery in Sadar Bazar Shivpuri, there is 20 bigha land in village Sheshram. The non applicant got angry with the applicant on saying that you can use it for treatment. The applicant told the non-applicant that my father gave me gold jewellery worth 10 lakh rupees, cash worth 31 lakh rupees and household goods worth 3 lakh rupees at the time of marriage. My all jewellery is with my mother-in-law, in which even the gold jewellery is with her. Due to my refusal to ask for more money from my mother, the non-applicant became angry with my parents also. The non-applicant started abusing and slapping me on every small issue. I have all the video and audio of it. When the time comes, the said video, audio and photographs will be presented before the court.*

*6. That, when the non-applicant was living in a government house in Sheopur, the non-applicant kept taking the applicant out of Sheopur on certain pretexts, sometimes to her sister's house in Baran, sometimes to her maternal home in Guna, sometimes to her in-laws' house in Shivpuri. In the month of April 2022, the non-applicant left her at her home in Shivpuri and went away. She stayed at her in-laws' house in Shivpuri for a month. In this one month, the non-applicant came to Shivpuri thrice but neither spoke to the applicant nor met her nor asked her to go to Sheopur. The non-applicant's elder brother Vikram Dhakad said that guests keep coming to our house. To whom will we*

keep answering why the daughter-in-law is staying here while Divyaraj is staying in Sheopur itself. To whom will we answer why the daughter-in-law is staying here alone. The very next day, on 30.05.2022, my brother-in-law Vikram Dhakad got me released in Sheopur along with my sister-in-law Manisha Dhakad and brother Ganesh Dhakad. The non applicant's elder brother and her family members did not allow her to stay in her in-laws' house in Shivpuri. The non-applicant wanted to stay here. Why did he leave the applicant in Sheopur? The non-applicant's mother, Smt. Vatibai, did not treat me well. She used to harass me on every small issue due to her love for her son. When I lived with my mother-in-law, she used to insult me. After marriage, the applicant spent three years with great difficulty thinking that the non-applicant will understand someday. She is my married wife and I want our married life not to be spoiled but even after a lot of efforts, there has been no improvement in the behaviour of the non-applicant and neither is he able to distance himself from the woman with whom the non-applicant has relations. The applicant has video audio. Which will be presented in time.

7. That, the applicant lived with the non-applicant in Sheopur. The non-applicant never took her along to shopping, social functions like marriage, birthday, etc. Even if the applicant fell sick, he did not take her to the doctor. Even after being in government service during the corona pandemic, the applicant did not take the vaccine despite repeated requests. The applicant was given both doses of the vaccine at her parents' place in Guna, her maternal home. The applicant's life in Sheopur was like hell. The non applicant neither allowed her to go out nor talk to anyone. The non-applicant had installed a camera and kept a recording device in the room where the applicant slept so that whatever she was talking to her family members could be recorded in the non-applicant's mobile. The non-applicant used to fight with the applicant and abuse her mother and sister. The non-applicant behaved

cruelly with the applicant. She was tortured mentally and physically.

8. That when the applicant was living with the non-applicant in Sheopur government accommodation, she saw a key ring with the non-applicant on which Preeti was written in English...The non-applicant also kept a licensed pistol with him. When the applicant talked to the non-applicant to get the information, after that the non-applicant threatened her with his licensed pistol and said that if you speak too much, I will kill you. I will not let you live in peace. It is requested to the Honourable Court to please get the WhatsApp and call details of Diyyaraj's mobile number 7974168390 so that their relationship can be confirmed.

9. That the applicant called the non-applicant's family and parents to Sheopur and told them about the above incident and the non-applicant's actions, but the family members used to scold the applicant only. Due to love for his son, they kept ignoring such acts of the non-applicant, the non-applicant is ready to beat him on every small thing. There was no one in the family to intervene. The non applicant's behaviour was cruel towards the applicant and he used to abuse the mother and sister, beat her and taunt her, etc. The non-applicant's elder sister Aarti Mehta also came to Sheopur many times. The applicant informed her regarding all types of acts such beating and abuse by the non-applicant. No statement was made on the incident told by the applicant. The applicant thought that the non-applicant can cause an unpleasant incident at any time in which the applicant can also be killed, hence the applicant came from Sheopur to Shivpuri on 8.9.2022 on the festival of Raksha Bandhan with the non-applicant's sister and the applicant came to Guna to her parents with her elder sister whose in-laws are also in Shivpuri and is living in Guna since 9.8.2022. When the non-applicant came to Guna for some work on 8.9.2022, the applicant's parents explained to him that why are you unnecessarily troubling Sapna. The applicant's

parents said that because of this Preeti Sikarwar, your good family can break, there is still time for you to improve, but the non-applicant did not give any satisfactory answer and immediately went back from Guna.

10. That, the family members of the applicant went to Sheopur to invite the non-applicant to the Parayan program and told the non-applicant that there is a Parayan program at our place. We have come to give you this invitation, you have to come to the program, you should bring Sapna along with you, then the non-applicant said that we do not have to talk on this topic. The mother of the applicant also talked to the mother of the non-applicant and said that you should discuss this relationship. The parents and brother of the applicant were insulted and driven away. They kept waiting for the non-applicant on 27.11.2022 but the non-applicant did not come to the Parayan program.

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14. That after the applicant submitted the said application, first of all on 09.08.2022, when the applicant came to Guna from her home on Rakhi, from that date till today neither the non-applicant nor any family member has come to take the applicant. Thereafter, on 02.12.2022, an application for reconciliation was submitted by the applicant at the Counselling Centre, Guna. The said reconciliation talks failed, before this, on 11.01.2023, the non-applicant submitted an application to the Principal Judge, Family Court Shivpuri, District Shivpuri, under Section 9 of the HMA and on 10.04.2023, the non-applicant withdrew the said application and wants to file a divorce petition against the applicant. This proves that the non-applicant wants divorce from the applicant. The non-applicant's behaviour was cruel towards the applicant. The non-applicant never gave the applicant the status of his wife. He did not even follow the marital relations. When the cause of action arose after 09.08.2022, on 10.04.2023, the non-applicant withdrew the application of Section 9 and demanded in the said

*application that the non-applicant wants to file a divorce petition.”*

**20.** When the allegations contained in the FIR and the pleadings taken by the complainant/wife in the divorce proceedings are minutely examined, it becomes evident that the gravamen of the allegations is primarily directed against the husband, namely, Divyaraj Dhakad. The allegations relating to physical assault, abusive conduct, refusal to keep the complainant with him, suspicion regarding another relationship, installation of cameras in the matrimonial residence, threats with a licensed pistol and denial of marital companionship are all specifically attributed to the husband alone.

In fact, the complainant repeatedly states in the divorce petition that *“the non-applicant started abusing and slapping me on every small issue”, “the non-applicant used to lock my room from the outside”, “the non-applicant had installed a camera and kept a recording device in the room”* and *“the non-applicant threatened her with his licensed pistol”*. None of these allegations are attributed to the present appellants.

**21.** As regards the present appellants, namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad, the allegations are essentially omnibus and generalised in nature. In the FIR, the complainant merely states that the husband and the in-laws “*started abusing me and would tell me to go and live with my parents*” and that the appellants “*would demand dowry from me every day and would tell me that if I did not bring dowry, I should go back to my parental home.*” Beyond these broad and sweeping assertions, no specific incident, date, overt act or particular role has been attributed individually to any of the appellants. The allegations do not disclose as to which appellant made what demand, on which occasion, in whose presence, or in what manner any specific act constituting cruelty under Section 498A IPC was committed.

**22.** Significantly, even in the elaborate divorce petition subsequently filed by the complainant/wife, the allegations continue to remain substantially vague insofar as the present appellants are concerned. The detailed allegations of cruelty, harassment and mental trauma overwhelmingly revolve around the conduct of the husband at Sheopur,

where admittedly the complainant was residing with him in the government accommodation allotted to him. The complainant herself states in paragraph 2 of the divorce petition that *“after some time of marriage, the non-applicant took the applicant to live in his government quarter in Sheopur.”* She further reiterates in paragraph 3 that during the second Karva Chauth, *“the applicant and the non-applicant lived in the government quarters of Sheopur.”* These pleadings clearly indicate that the matrimonial residence of the parties was at Sheopur and not at Shivpuri, where the present appellants were residing.

The complainant, however, in the counter affidavit as well as in the written submissions filed before this Court, has attempted to explain the aforesaid position by contending that while she was residing with her husband at Sheopur, the husband along with the present appellants used to harass her for dowry and that whenever the husband left her at the in-laws’ house at Shivpuri, the appellants also used to harass her and prevent her from residing peacefully in the matrimonial home. It has further been contended on behalf

of the complainant that these aspects are also reflected in the translated divorce petition and the prosecution's story.

Even if the aforesaid explanation is accepted at its face value, the allegations against the present appellants nevertheless remain broad, generalised, and bereft of specific particulars. Neither in the FIR nor in the divorce petition nor even in the subsequent pleadings before this Court has the complainant specified any particular date, incident or overt act attributable individually to any of the present appellants which would *prima facie* constitute cruelty or unlawful demand of dowry within the meaning of Section 498A IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations essentially remain collective assertions that the appellants "used to harass" the complainant or "supported" the husband, without any clear delineation of the precise role allegedly played by each of them. Mere use of omnibus expressions against all family members, in the absence of specific factual assertions, would not by itself justify continuation of criminal proceedings against the present appellants.

**23.** In fact, the complainant's own pleadings substantially dilute the allegations sought to be levelled against the appellants in the FIR. While the FIR creates an impression of continuous harassment by all in-laws collectively, the divorce petition narrates specific acts, almost entirely concerning the husband. Even the allegation regarding the demand for money is primarily against the husband, wherein the complainant states that *"the non-applicant told the applicant that my entire salary is spent on my father's treatment, and now I am unable to bear your expenses. ... now bring some money from your parents."* The subsequent allegation that the husband became angry and started abusing and slapping her is also directed solely against him. The appellants are not alleged to have actively participated in any specific demand or act of cruelty.

**24.** The allegations against the appellant No.4 - Vikram Dhakad are also of a generalised nature and do not disclose any criminal intent or overt act constituting an offence under Section 498A IPC. In paragraph 6 of the divorce petition, the complainant merely states that Vikram Dhakad remarked that *"guests keep coming to our house"* and questioned why

she was residing at Shivpuri while her husband was staying in Sheopur. Even if the said allegations are accepted at their face value, they merely indicate a domestic disagreement regarding her stay at the matrimonial house and do not amount to cruelty or unlawful dowry demand within the meaning of the penal provisions invoked.

**25.** Similarly, the allegations against the appellant No.1 Arti Mehta are confined to assertions that the complainant had informed her regarding the conduct of the husband and that she did not react in the manner expected by the complainant. In paragraph 9 of the divorce petition, the complainant states that *“The non-applicant’s elder sister Aarti Mehta also came to Sheopur many times. The applicant informed her regarding all types of acts, such as beating and abuse by the non-applicant. No statement was made on the incident told by the applicant.”* Mere failure to intervene in a matrimonial dispute between spouses, without any specific allegation of active participation in cruelty or dowry demand, cannot by itself attract criminal liability.

**26.** It is also pertinent to note that the complainant herself states in paragraph 9 of the divorce petition that she

travelled from Sheopur to Shivpuri on the occasion of Raksha Bandhan along with the appellant No.1 Arti Mehta. The relevant portion states that *“the applicant came from Sheopur to Shivpuri on 8.9.2022 on the festival of Raksha Bandhan with the non-applicant’s sister.”* This circumstance assumes significance because it becomes difficult to readily accept that the complainant would voluntarily travel with the very same appellant whom she alleges to have been continuously harassing and tormenting her for dowry. Though this circumstance by itself may not be determinative, it certainly weakens the allegation of persistent and active cruelty attributed to the appellant No.1.

**27.** Further, the complainant’s own pleadings demonstrate that there was no continuous shared household with the present the appellants. The repeated references in the divorce petition indicate that the complainant was residing with her husband at Sheopur in his government accommodation and that the visits to Shivpuri were occasional and temporary in nature. Thus, even on the complainant’s own showing, the principal matrimonial

relationship and the alleged acts of cruelty were centred around the husband at Sheopur.

**28.** What, therefore, emerges from a cumulative reading of the FIR and the divorce petition is that while there are specific allegations against the husband relating to physical assault, verbal abuse, neglect and suspicious conduct, the allegations against the present appellants remain bald, generalised, and devoid of material particulars. No independent or specific role has been attributed to any of the present appellants so as to disclose prima facie commission of offences under Sections 498A/34 IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations against them appear to be omnibus assertions made on account of their relationship with the husband rather than on the basis of any distinct criminal acts allegedly committed by them.

**29.** It is a matter of common judicial experience that matrimonial disputes are often accompanied by heightened emotions, strained relationships and deep-seated personal grievances. In such circumstances, complaints alleging cruelty and harassment frequently tend to implicate not only the spouse but also the entire family of the spouse, including

those relatives who may have had little or no active role in the matrimonial discord. Quite often, family members who may have remained passive spectators, failed to intervene, or merely sided with one party in a domestic disagreement, are also arrayed as accused. However, mere familial association with the husband, or failure to support the complainant in a marital dispute, cannot by itself constitute a criminal offence in the absence of specific allegations disclosing active participation in acts amounting to cruelty, harassment or unlawful demand of dowry.

**30.** It must also be borne in mind that when matrimonial relationships deteriorate and bitterness sets in, there is a natural tendency for allegations to be amplified or broadly worded out of anger, frustration or emotional distress. While the anguish of a complainant in a failed marriage cannot be lightly disregarded, equally, criminal law cannot be permitted to be set in motion against every relative of the husband merely on the basis of generalised and omnibus allegations lacking a specific factual foundation. Courts, therefore, are required to exercise greater caution and carefully scrutinise whether the allegations genuinely

disclose the commission of cognizable offences against each accused individually, lest the criminal process itself becomes a tool of harassment and misuse.

**31.** Coming now to the other proceedings initiated under the DV Act, the same arise out of D.V. Complaint No. 1752 of 2023 pending before the Court of the Judicial Magistrate First Class, Guna, Madhya Pradesh, instituted on the basis of the complaint filed by the complainant/wife under Section 12 of the DV Act against the husband and the present appellants. The relevant allegations contained in the said complaint may be reproduced herein below:

“xxxxxxx

*I Sapna Dhakad W/o Divyaraj Dhakad Age 30 years R/o Nayapura Chauraha District Guna (M.P.) solemnly state that... When I went to Sheopur after marriage, I saw that husband Divyaraj leaves for his duty around 9:30 in the morning and used to return home by 10-11 in the night. Even on the day of government holidays, his routine was the same. My husband Divyaraj said after some time of marriage that my father is suffering from cancer and most of my salary is spent on my father's treatment. Now I cannot bear your expenses and now you should bring more money from your maternal home. I said that my father gave gold jewelry worth 10 lakhs in the marriage. He had given me Rs.31 lakh in cash and all the household items and all my jewellery is with his mother. After giving so much, I cannot bring any more money from my parents' house. Due to this, my husband and in-laws my Smt. Shrivati*

Bai, my brother-in-law Vikram Dhakad, my sister-in-law Aarti Mehta and my elder sister-in-law Manisha Dhakad used to get angry with me. In this way they started torturing me physically and mentally. When I was at my in-laws' place also, the festival of Karwa Chauth fell twice but both the times, he would go out of the house before the moon" rose in the evening and would return by 10-11 pm at night. When I expressed my inability to give the money, he did not make me the nominee of his government service. It has been 3 years since our marriage but till date he has not got our marriage certificate made and even though my name was in his family's Samagra ID, he has not added it. He does not even talk to me. He makes me sleep in a separate room in the inner room and sleeps in the outer room and talks on the phone for hours at night. During the day, he used to talk to someone after coming, out of the government residence...

When I lived in Sheopur, he neither took me to the market for shopping nor did he take me along to add weddings and birthdays and when I fell, he did not even take me to the doctor for treatment. Even during the Corona pandemic, he did not get me vaccinated against Corona. I had taken both the doses of Corona vaccine at my maternal home. He neither took me out nor allowed me to go out of the house. When I went out of the house, he used to abuse and beat me. He had placed a hidden camera and recording device in my room so that whatever I talk to my family members, it all gets recorded in his mobile. In this way, I was tortured physically and mentally there.

On one pretext or the other, he took me out of Sheopur, sometimes to my maternal home Guna, sometimes to my in-laws' house Shivpuri, once each at his sister's house and left me in Shivpuri. I stayed in Shivpuri for a month, during this time he came to Shivpuri three times, neither did he talk to me nor asked me to go to Sheopur. One day his elder brother Vikram Dhakad asked why the daughter-in-law is staying here. Whereas Divyaraj lives in Sheopur. Now you bring

money from your maternal home as per our demand and either stay in Sheopur or stay in your maternal home in Guna. So the very next day Vikram Dhakad along with his wife Manisha Dhakad and brother Ganesh Dhakad got me released from Sheopur and did not let me stay in their house, neither my in-laws would let me stay in their house nor my husband would let me stay in his house. In Shivpuri, his mother Smt. Shrivati Bai and Bhabhi Manisha Dhakad used to insult me on small matters and demand money, for the last 2 years I am spending time by staying here and there. Many times I called his family members to Sheopur and told them about his activities, then Vikram Dhakad said that we will not come to Sheopur again and again. You will have to live the way Divyaraj keeps you, otherwise go to your maternal home in Guna. I told his sister Aarti Mehta about his activities many times, then she scolded me and said that you should keep quiet otherwise it will not be good. Fulfill our demand, if you want to stay here, then go to your maternal home. His mother Smt. Shrivati Bai, sister Aarti Mehta, brother Vikram Dhakad, sister-in-law Manisha Dhakad used to support him completely. On the festival of Rakhi, she came to Shivpuri from Sheopur with her sisters and from Shivpuri to Guna with her sister on Rakshabandhan. Since then I am living in my home in Guna.

*I want my husband Divyaraj Dhakad to provide me a separate house to live in and provide me all the comforts in that house and bear all my expenses (maintenance)."*

*(emphasis added)*

**32.** A careful reading of the complaint filed under the DV Act would show that the substantial and predominant allegations again centre around the conduct of the husband while the complainant was residing with him at Sheopur.

The complainant narrates several incidents relating to the husband allegedly returning late at night, refusing to take her out, compelling her to sleep separately, allegedly installing hidden cameras and recording devices in the room occupied by her, restricting her movement and subjecting her to physical and mental harassment. The complaint specifically states that *“he neither took me out nor allowed me to go out of the house. When I went out of the house, he used to abuse and beat me. He had placed a hidden camera and recording device in my room...”* These allegations are singularly directed against the husband and do not attribute any participation therein to the present appellants.

**33.** Likewise, the allegations concerning non-consummation of marital obligations, refusal to make the complainant nominee in service records, not obtaining a marriage certificate, sleeping separately and speaking on the phone for long hours with someone else are also allegations exclusively against the husband. The complaint repeatedly uses expressions such as *“my husband Divyaraj said...”*, *“he did not make me the nominee”*, *“he does not even talk to me”* and *“he makes me sleep in a separate room.”* Thus, the

foundational allegations constituting the core of the matrimonial discord are essentially directed against the husband and his personal conduct towards the complainant.

**34.** Insofar as the present appellants are concerned, the allegations in the DV complaint remain broadly worded and largely collective in nature. The complainant states that due to refusal to bring money from her parental home, *“my husband and in-laws ... used to get angry with me. In this way they started torturing me physically and mentally.”* However, beyond the use of such omnibus expressions, the complaint does not disclose any specific incident, date, act or conduct individually attributable to any of the appellants which would constitute “domestic violence” within the meaning of the DV Act.

**35.** Even the allegations concerning the complainant’s brother-in-law, namely, Vikram Dhakad (Appellant No.4), are essentially in the nature of statements allegedly advising the complainant regarding her matrimonial life. The complaint states that Vikram Dhakad questioned why the complainant was staying at Shivpuri while the husband was residing at Sheopur and allegedly told her that *“you bring*

*money from your maternal home as per our demand and either stay in Sheopur or stay in your maternal home in Guna.*” Thereafter, it is alleged that Vikram Dhakad, along with Manisha Dhakad and Ganesh Dhakad, did not permit her to continue residing at Shivpuri. Even if these allegations are accepted at their face value, they do not disclose any specific act of physical violence, criminal intimidation or overt conduct of such nature as would independently attract criminal liability under the provisions of the DV Act.

**36.** Similarly, the allegations against the complainant’s mother-in-law, namely, Shrivati Bai Dhakad (Appellant No.2) and the wife of the complainant’s brother-in-law, namely, Manisha Dhakad (Appellant No.3), are confined to broad assertions that *“they used to insult me on small matters and demand money.”* The complaint is conspicuously silent regarding the particulars of such alleged demands, the time and place where such incidents occurred, or the manner in which such demands were allegedly made. General allegations of “insult” or “harassment” without supporting particulars cannot by themselves form the basis for continuation of criminal proceedings.

**37.** As regards the complainant's sister-in-law Arti Mehta (Appellant No.1), the allegation is essentially that when the complainant informed her about the husband's conduct, she allegedly scolded the complainant and advised her to remain quiet and fulfil the family's demands. The relevant allegation reads that *"I told his sister Aarti Mehta about his activities many times, then she scolded me and said that you should keep quiet, otherwise it will not be good."* The allegation, even if accepted in entirety, merely suggests that appellant No.1 sided with her brother in the matrimonial dispute. Mere failure to support the complainant, or advising her to continue in the matrimonial relationship, without any further overt act, would not *ipso facto* amount to domestic violence so as to justify criminal prosecution.

**38.** Another aspect which assumes significance is that the complainant herself states that she travelled from Sheopur to Shivpuri on the occasion of Raksha Bandhan along with the sisters of the husband, including appellant No.1 Arti Mehta. The complaint records that *"On the festival of Rakhi, she came to Shivpuri from Sheopur with her sisters..."* This circumstance, though not conclusive by itself, does create

some degree of inconsistency in the allegations of persistent and active harassment sought to be levelled against the appellant No.1.

**39.** What ultimately emerges from a cumulative reading of the DV complaint is that while the complainant has narrated several detailed allegations concerning the husband's conduct and the strained matrimonial relationship between the spouses, the allegations against the present appellants remain generalised and derivative in character. The complaint does not disclose any specific or direct act individually attributable to the appellants constituting domestic violence, physical abuse, verbal abuse, emotional abuse or economic abuse within the meaning of the DV Act. The allegations against them are essentially that they supported the husband, failed to intervene in the matrimonial dispute, or asked the complainant to adjust to the situation. Such omnibus and broadly worded allegations, in the absence of clear particulars and specific overt acts, would not justify continuation of proceedings against the present appellants.

**40.** We have also taken note of the fact that during the pendency of the present proceedings, the marriage between the complainant and her husband already stood dissolved by a decree passed by the competent Family Court. In such circumstances, continuation of the proceedings under the DV Act qua the present appellants, in the absence of specific and substantiated allegations against them as of now, would serve no useful purpose. It is, however, clarified that the complainant would be at liberty to avail such remedies against the husband as may be permissible to her in accordance with law.

**41.** It is further required to be stated that the invocation of the criminal process is not a matter of course. The coercive machinery of criminal law carries serious civil and personal consequences and, therefore, can be legitimately set in motion only where the allegations disclose specific acts constituting offences punishable under the penal law. This principle assumes even greater significance in cases arising out of matrimonial and domestic discord. Family relationships are founded upon emotional bonds, mutual trust, affection and shared responsibilities, and cannot be

viewed through the same lens as ordinary commercial, civil disputes or criminal cases. It is not uncommon that when matrimonial relationships deteriorate, allegations are made in the heat of emotional turmoil and bitterness, often resulting in the entire family of the spouse being drawn into criminal litigation. However, criminal law cannot be permitted to become an instrument for venting personal grievances or settling familial scores in the absence of clear, specific and legally sustainable allegations. Courts must therefore exercise a heightened degree of caution and judicial scrutiny before permitting criminal prosecution against relatives who are sought to be implicated merely by virtue of their relationship with the spouse.

**42.** At the same time, this Court is equally conscious of the reality that genuine cases of cruelty and domestic violence do occur within the confines of the matrimonial home and often remain concealed from public gaze. Acts of emotional, verbal, economic or physical abuse within the domestic sphere may not always leave behind readily available evidence or independent witnesses, and the absence of such evidence at the threshold cannot by itself be

a ground to disbelieve a victim. It is precisely to address this social evil that legislations such as the Protection of Women from Domestic Violence Act, 2005 and the penal provisions relating to cruelty and dowry harassment have been enacted with wide amplitude and protective intent. The object of such statutes is to ensure meaningful legal protection to women subjected to domestic abuse and harassment within the matrimonial home.

**43.** However, while safeguarding the rights and dignity of victims of domestic violence remains of paramount importance, courts are simultaneously required to ensure that the rigours of criminal law are not indiscriminately extended to every member of the family without a clear factual foundation. In prosecutions arising out of matrimonial disputes, the allegations against each accused must be specific, distinct and supported by prima facie material indicating active involvement in the alleged acts of cruelty, harassment or unlawful demand of dowry. Mere allegations that family members “supported” the husband, failed to intervene, or advised the complainant to adjust in the matrimonial relationship, without anything further,

would not *ipso facto* attract criminal liability. There may indeed be situations where certain relatives remain passive spectators or fail to come to the aid of the complainant; however, such conduct, though morally questionable, cannot automatically be elevated to the status of criminal culpability unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged offences.

**44.** It must therefore be emphasised that each case arising out of matrimonial discord or allegations of domestic violence must necessarily turn on its own peculiar facts and the nature of allegations levelled against the accused concerned. The observations made herein should not be construed to mean that relatives of the husband can never be prosecuted under the relevant penal provisions. Where the material on record discloses specific overt acts, active participation, or direct involvement in perpetrating cruelty, harassment or domestic violence, such relatives would undoubtedly be liable to face prosecution in accordance with the law. What the Court is required to carefully examine is whether the allegations are genuine, specific and supported by

foundational facts, or whether they are merely a consequence of matrimonial acrimony resulting in sweeping and omnibus implication of all family members. In the absence of such specific allegations and *prima facie* material, continuation of criminal proceedings against such relatives would amount to abuse of the process of law.

**45.** Having given our anxious consideration to the allegations contained in the FIR, the complaint under the DV Act, the pleadings exchanged between the parties in the matrimonial proceedings and the material placed on record, we find that the substratum of the allegations primarily concerns the matrimonial discord between the complainant and her husband. The allegations relating to physical assault, abusive conduct, emotional neglect, suspicion regarding extramarital relationship, threats, restriction on movement and denial of marital companionship are overwhelmingly directed against the husband. Insofar as the present appellants are concerned, the allegations remain generalised, omnibus and lacking in material particulars.

As discussed hereinabove, neither the FIR nor the DV complaint nor even the subsequent pleadings before the

Family Court disclose any specific overt act individually attributable to the present appellants so as to prima facie constitute offences punishable under Sections 498A/34 IPC, Sections 3 and 4 of the Dowry Prohibition Act or the provisions of the DV Act. The allegations against the appellants essentially proceed on broad assertions that they “supported” the husband, “used to harass” the complainant, or advised her to either adjust with the husband or return to her parental home. However, no distinct incident, date, specific demand, act of physical cruelty, unlawful intimidation or active participation in the alleged harassment has been clearly attributed to any of the appellants individually.

**46.** Though their behaviour as projected in the complaint appear to be reproachable otherwise, yet these may not be sufficient to attract criminal liabilities. Permitting the proceedings to continue against the appellants in the absence of specific and legally sustainable allegations would amount to an abuse of the process of law.

**47.** The above conclusion, however, cannot and must not be read as an expression of permanent exoneration of the

present appellants in respect of the allegations levelled against them. This Court is acutely conscious of the deeply troubling social reality that matrimonial homes in India continue to witness grave instances of cruelty, dowry harassment and domestic violence perpetrated not merely by the husband but, in numerous cases, with the active co-operation and connivance of the extended family members as well. The legislative wisdom underlying Section 498A of the Indian Penal Code, the Dowry Prohibition Act, 1961 and the Protection of Women from Domestic Violence Act, 2005, reflects the collective societal resolve to combat the scourge of mental and physical harassment visited upon women within the matrimonial fold who starts a new life in a different environment. The quashing of the proceedings against the present appellants herein is founded exclusively upon the absence of specific and distinct allegations disclosing their individual involvement at this stage. We have merely examined the existence of *prima facie* case of the alleged offence for our satisfaction to determine whether the criminal proceedings should continue *qua* the appellants. Accordingly, we make it clear that in the course of the trial

in respect of the husband which shall proceed unimpeded, if evidence emerges which indicate and disclose a specific role or the involvement of any of the present appellants, the trial court must proceed against any of them, irrespective of the observations and findings against them in this proceeding.

**48.** In this context, reference may be made to Section 319 of the Code of Criminal Procedure, 1973 (now Section 358 of the Bharatiya Nagarik Suraksha Sanhita, 2023), which empowers a court, during the course of an inquiry or trial, to proceed against any person not being an accused before it, if it appears from the evidence that such person has committed any offence for which he could be tried together with the accused already before the court. It can be said that the legislature, in its wisdom, has reserved a salutary power in the trial court under Section 319 CrPC to summon and proceed against any person, including a person **(i)** not named in the FIR or **(ii)** a person though named in the FIR but has not been charge-sheeted or **(iii)** a person who has been discharged, if from the evidence in the course of an enquiry or trial, it appears that such person can be tried along with the accused already facing trial, as held in **Hardeep Singh**

**v. State of Punjab**<sup>3</sup>. Pertinently, in addition to the aforesaid categories, the ambit of Section 319 CrPC even extends to persons against whom criminal proceedings had earlier been quashed, as was rightly observed in **MCD v. Ram Kishan Rohtagi**<sup>4</sup>.

**49.** The objective of Section 319 of the CrPC, as has been held in various judgments, is that the real culprit should not get away unpunished. The constitutional validity and the contours of Section 319 CrPC have been authoritatively expounded by a Constitution Bench of this Court in **Hardeep Singh v. State of Punjab**<sup>5</sup>. The relevant paragraphs from the aforesaid judgment are reproduced as follows:

*“8. The constitutional mandate under Articles 20 and 21 of the Constitution of India provides a protective umbrella for the smooth administration of justice making adequate provisions to ensure a fair and efficacious trial so that the accused does not get prejudiced after the law has been put into motion to try him for the offence but at the same time also gives equal protection to victims and to the society at large to ensure that the guilty does not get away from the clutches of law. For the empowerment of the courts to ensure that the criminal administration of justice works properly, the law was appropriately codified and modified by the legislature under CrPC indicating as to how the*

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<sup>3</sup> (2014) 3 SCC 92.

<sup>4</sup> (1983) 1 SCC 1.

<sup>5</sup> (2014) 3 SCC 92.

*courts should proceed in order to ultimately find out the truth so that an innocent does not get punished but at the same time, the guilty are brought to book under the law. It is these ideals as enshrined under the Constitution and our laws that have led to several decisions, whereby innovating methods and progressive tools have been forged to find out the real truth and to ensure that the guilty does not go unpunished.*

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12. *Section 319 CrPC springs out of the doctrine *judex damnatur cum nocens absolvitur* (Judge is condemned when guilty is acquitted) and this doctrine must be used as a beacon light while explaining the ambit and the spirit underlying the enactment of Section 319 CrPC.*

13. *It is the duty of the court to do justice by punishing the real culprit. Where the investigating agency for any reason does not array one of the real culprits as an accused, the court is not powerless in calling the said accused to face trial. The question remains under what circumstances and at what stage should the court exercise its power as contemplated in Section 319 CrPC?*

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19. *The court is the sole repository of justice and a duty is cast upon it to uphold the rule of law and, therefore, it will be inappropriate to deny the existence of such powers with the courts in our criminal justice system where it is not uncommon that the real accused, at times, get away by manipulating the investigating and/or the prosecuting agency. The desire to avoid trial is so strong that an accused makes efforts at times to get himself absolved even at the stage of investigation or inquiry even though he may be connected with the commission of the offence.”*

**50.** The principles on which the power under Section 319 CrPC can be invoked have been dealt with by this Court in

the judgment of **Brijendra Singh v. State of Rajasthan**<sup>6</sup>, which held as follows:

*“10. It also goes without saying that Section 319 CrPC, which is an enabling provision empowering the Court to take appropriate steps for proceeding against any person, not being an accused, **can be exercised at any time after the charge-sheet is filed and before the pronouncement of the judgment, except during the stage of Sections 207/208 CrPC, the committal, etc. which is only a pre-trial stage intended to put the process into motion.**”*

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*“13. In order to answer the question, some of the principles enunciated in Hardeep Singh case [Hardeep Singh v. State of Punjab, (2014) 3 SCC 92 : (2014) 2 SCC (Cri) 86] may be recapitulated: power under Section 319 CrPC can be exercised by the trial court at any stage during the trial i.e. before the conclusion of trial, to summon any person as an accused and face the trial in the ongoing case, once the trial court finds that there is some “evidence” against such a person on the basis of which evidence it can be gathered that he appears to be guilty of the offence. The “evidence” herein means the material that is brought before the court during trial. Insofar as the material/evidence collected by the IO at the stage of inquiry is concerned, it can be utilised for corroboration and to support the evidence recorded by the court to invoke the power under Section 319 CrPC. No doubt, such evidence that has surfaced in examination-in-chief, without cross-examination of witnesses, can also be taken into consideration. However, since it is a discretionary power given to the court under Section 319 CrPC and is also an extraordinary one, same has to be exercised sparingly and only in those cases where the circumstances of the case so warrant. The degree of satisfaction is more than the degree which is warranted at the time of framing of the charges against others in respect of whom charge-sheet was filed. Only where strong and*

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<sup>6</sup> (2017) 7 SCC 706.

*cogent evidence occurs against a person from the evidence led before the court that such power should be exercised. It is not to be exercised in a casual or a cavalier manner. The prima facie opinion which is to be formed requires stronger evidence than mere probability of his complicity.”*

**51.** In the facts and circumstances of the instant case, reliance may aptly be placed upon the decision of this Court in ***MCD v. Ram Kishan Rohtagi***<sup>7</sup>. In the said case, a Food Inspector filed a complaint before the Magistrate seeking initiation of proceedings against the manager and the directors of a company engaged in manufacturing a particular brand of toffees, alleging contravention of certain provisions of the Prevention of Food Adulteration Act. Upon the Magistrate taking cognisance and proceeding against the accused persons, they approached the High Court under Section 482 of the CrPC for quashing of the proceedings. Consequently, the High Court quashed the proceedings against all the accused persons on the basis that the complaint did not contain any specific averment showing that they were in charge of the conduct of the company's affairs relating to the manufacture of the toffees. In appeal, this Court reversed the High Court's order insofar

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<sup>7</sup> (1983) 1 SCC 1.

as the manager was concerned, as from the very nature of his position and duties, it became clear that he was liable to be proceeded against for the offence allegedly committed by the company. However, with respect to the directors, the High Court's decision was affirmed since, at that stage, there was inadequate material to justify continuation of proceedings against them. At the same time, this Court clarified that if prosecution was able to produce evidence implicating any of the directors at a later stage during trial, it was open to the trial court to proceed against them under Section 319 of the CrPC. The relevant para from the aforesaid judgment in **Ram Kishan Rohtagi** (supra) is reproduced as follows:

*“19. In these circumstances, therefore, if the prosecution can at any stage produce evidence which satisfies the court that the other accused or those who have not been arrayed as accused against whom proceedings have been quashed have also committed the offence the Court can take cognizance against them and try them along with the other accused. But, we would hasten to add that this is really an extraordinary power which is conferred on the court and should be used very sparingly and only if compelling reasons exist for taking cognizance against the other person against whom action has not been taken. More than this we would not like to say anything further at this stage. We leave the entire matter to the discretion of the court concerned so that it may act according to law. We would, however, make it plain that the mere fact that the proceedings have been quashed against Respondents 2 to*

5 will not prevent the court from exercising its discretion if it is fully satisfied that a case for taking cognizance against them has been made out on the additional evidence led before it.”

(emphasis added)

**52.** In the light of the aforesaid legal position, it is hereby clarified that the quashing of the criminal proceedings against the present appellants under Section 482 CrPC shall not preclude the trial court, from exercising its jurisdiction under Section 319 CrPC to summon and proceed against them in accordance with law, in the event evidence adduced in the course of the trial of the remaining accused reveals material indicating the involvement of the present appellants in the alleged offences. The doors of justice shall remain open to the complainant insofar as the present appellants are concerned, if cogent evidence surfaces during trial establishing their active participation in acts constituting the alleged offences. The quashing of the proceedings at this stage operates only in respect of the allegations as they presently stand and does not foreclose the future operation of the law if evidence to the contrary emerges before the trial court. In this manner, the protective intent of the legislature underlying the relevant

penal provisions is kept alive, at the same time ensuring that the present appellants are not subjected to the rigours of criminal proceedings in the absence of specific and legally sustainable material as of this date.

**53.** Having said that, this Court also deems it necessary to address a question that may arise consequent upon the order of quashing passed herein, viz., whether a future prosecution or summoning of the present appellants — should sufficient evidence emerge during trial — would be barred by the Constitutional guarantee against ‘double jeopardy’ enshrined in Article 20(2) of the Constitution of India and the statutory mandate of Section 300 of the Code of Criminal Procedure, 1973. The doctrine of ‘double jeopardy’, expressed in the maxim “***nemo debet bis vexari pro una et eadem causa***” (no man ought to be twice troubled for one and the same cause), postulates that a person who has been tried and convicted or acquitted of an offence shall not be liable to be prosecuted again for the same offence. Section 300(1) CrPC gives statutory form to this guarantee by providing that a person who has once been tried by a court of competent jurisdiction for an offence and

convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of Section 221 of CrPC, or for which he might have been convicted under sub-section (2) thereof. The constitutional protection under Article 20(2) is co-extensive in operation, requiring as a prerequisite that the person must have been “prosecuted and punished” for the same offence before the bar of ‘double jeopardy’ can be invoked.

**54.** In this backdrop, it will be beneficial to refer to the judgment by a Constitution Bench of this Court in **S.A. Venkataraman v. Union of India**<sup>8</sup>, wherein, while discussing the contours of Article 20(2) of the Constitution, this Court held that to attract the provision of Article 20(2), the words ‘prosecuted’ and ‘punished’ are not to be taken distributively so as to mean prosecuted or punished. The Court observed as follows:

*“6. The scope and meaning of the guarantee implied in Article 20(2) of the Constitution has been indicated with sufficient*

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<sup>8</sup> (1954) 1 SCC 586.

fullness in the pronouncement of this Court in *Maqbool Hussain v. State of Bombay* [*Maqbool Hussain v. State of Bombay*, (1953) 1 SCC 736 : 1953 SCR 730]. The roots of the principle, which this clause enacts, are to be found in the well-established rule of English Law which finds expression in the maxim “*nemo debet bis vexari*” — a man must not be put twice in peril for the same offence. If a man is indicted again for the same offence in an English court, he can plead, as a complete defence, his former acquittal or conviction, or as it is technically expressed, take the plea of “*autrefois acquit*” or “*autrefois convict*”. The corresponding provision in the Federal Constitution of the USA is contained in the Fifth Amendment, which provides *inter alia*:

“... nor shall any person be subjected for the same offence to be twice put in jeopardy of life and limb....”

This principle has been recognised and adopted by the Indian Legislature and is embodied in the provisions of Section 26 of the General Clauses Act and Section 403 of the Criminal Procedure Code.

“7. Although these were the materials which formed the background of the guarantee of the fundamental right given in Article 20(2) of the Constitution, the ambit and contents of the guarantee, as this Court pointed out in the case referred to above, are much narrower than those of the common law rule in England or the doctrine of “double jeopardy” in the American Constitution. Article 20(2) of our Constitution, it is to be noted, does not contain the principle of “*autrefois acquit*” at all. It seems that our Constitution-makers did not think it necessary to raise one part of the common law rule to the level of a fundamental right and thus make it immune from legislative interference. This has been left to be regulated by the general law of the land. **In order to enable a citizen to invoke the protection of clause (2) of Article 20 of the Constitution, there must have been both prosecution and punishment in respect of the same offence. The words “prosecuted and punished” are to be taken not distributively so as to mean prosecuted or punished. Both the factors must co-exist in order that the operation of the clause may be attracted.** The position is also different under the American Constitution. There the prohibition is not against a second punishment but against

*the peril in which a person may be placed by reason of a valid indictment being presented against him, before a competent court, followed by proper arraignment and plea and a lawful impanelling of the jury. It is not necessary to have a verdict at all [ Willis on Constitutional Law, p. 528.]”*

**55.** Moreover, as has been held by this Court in **T.P. Gopalakrishnan v. State of Kerala**<sup>9</sup>, three conditions are required to be fulfilled for invocation of Article 20(2) of the Constitution. First, there must have been a previous proceeding before a court of law or a judicial tribunal of competent jurisdiction in which the person must have been prosecuted. The said prosecution must be valid and not null and void or abortive. Second, the conviction or acquittal in the previous proceeding must be in force at the time of the second proceeding in relation to the same offence and the same set of facts, for which he was prosecuted and punished in the first proceeding. Third, the subsequent proceeding must be a fresh proceeding, where he is, for the second time, sought to be prosecuted and punished for the same offence and the same set of facts.

**56.** In our considered view, having examined the settled legal position and analysed the facts and circumstances of

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<sup>9</sup> (2022) 14 SCC 323.

the present case, the issue of 'double jeopardy' does not arise and cannot be invoked by the present appellants for manifold reasons. First and foremost, the present appellants have never been subjected to a full-fledged trial. No evidence has been led against them, no charge has been framed, no witnesses have been examined, no detailed appreciation of facts on merits has occurred, and no adjudication of their guilt or innocence has been rendered by any competent court. The quashing of the FIR, chargesheet and consequential criminal proceedings against them has been ordered solely on the finding that no *prima facie* case is made out against them for the commission of the alleged offence on the face of the material presently on record. Such a finding is not a finding of acquittal on merits; it is a determination that the allegations, as they stand, do not disclose sufficient material to warrant subjecting these persons to the rigours of a criminal trial. An order under Section 482 CrPC quashing proceedings unfastening any criminal liability operates on an entirely different plane from an order of acquittal or conviction rendered after a full trial on merits. The protection against 'double jeopardy' is

activated only upon a verdict reached after trial, after the recording of evidence, appreciation of facts on merits, and a judicial determination of guilt or innocence. Where, as in the instant case, the proceedings are quashed at the threshold without any such trial having taken place, the constitutional and statutory bar against second prosecution is simply not engaged.

**57.** It bears emphasis that the quashing order passed herein neither entails any elaborate appreciation of evidence on merits nor records any adjudication with respect to the guilt or innocence of the appellants. Therefore, it can be observed that the appellants have not been “prosecuted and punished” within the meaning of Article 20(2) of the Constitution, nor have they been “tried” and “convicted or acquitted” within the meaning of Section 300(1) CrPC. The essential ingredients of the ‘double jeopardy’ principle are conspicuously absent in the present case. The present appellants are not entitled to claim the protection of former jeopardy inasmuch as they were never put in jeopardy in the first place. No jeopardy attaches until a person is put on trial before a court of competent jurisdiction and the trial has run

its course to a verdict. Consequently, we observe that if, during the course of the ongoing trial against the remaining accused, cogent evidence emerges implicating the present appellants, the trial court shall be fully competent to exercise its power under Section 319 CrPC to summon them and proceed against them, and no constitutional or statutory bar of double jeopardy shall stand in the way of such proceedings. The protection of Article 20(2) and Section 300 CrPC will remain inapplicable unless and until the appellants are subjected to a complete trial culminating in a verdict of conviction or acquittal by a court of competent jurisdiction.

**58.** Accordingly, for the reasons recorded hereinabove, both the appeals deserve to be allowed qua the present appellants. Consequently, the present Criminal Appeals are allowed in the following terms:

- (i) The impugned judgment and order dated 21.11.2024, passed by the High Court of Madhya Pradesh at Gwalior in Misc. Criminal Case No. 14615 of 2023 is hereby set aside and FIR/Crime No. 0041/2023 dated 13.01.2023 registered at Police

Station Guna, District Guna, Madhya Pradesh under Sections 498A and 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, together with all consequential proceedings arising therefrom, including the charge-sheet/challan pending before the competent Court, stand quashed *qua* the present appellants namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad.

(ii) The impugned judgment and order dated 21.11.2024, passed by the High Court of Madhya Pradesh at Gwalior in Misc. Criminal Case No. 20269 of 2023 is hereby set aside, and the proceedings in D.V. Complaint No. 1752 of 2023 pending before the Court of the Judicial Magistrate First Class, Guna, Madhya Pradesh, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, stand quashed *qua* the present appellants, namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad.

**59.** It is, however, made clear that the observations made and findings recorded herein are confined solely to the case

of the present appellants and shall not be construed as an expression on the merits of the allegations against the husband or any other accused person. The concerned trial courts shall proceed independently in accordance with law, uninfluenced by any observations made in the present judgment insofar as the remaining accused persons are concerned.

**60.** At the same time, it is also made expressly clear that the present order of quashing under Section 482 CrPC shall not operate as a bar to the trial court exercising its power under Section 319 CrPC to summon the present appellants, if during the course of trial, evidence emerges before it which, in the opinion of the trial court, is sufficient to proceed against them for any of the offences alleged.

.....**J.**  
**(SANJAY KAROL)**

.....**J.**  
**(NONGMEIKAPAM KOTISWAR SINGH)**

**New Delhi;**  
**May 25, 2026.**