



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 13600 of 2023

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No
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_____ & ORS.

versus
STATE OF GUJARAT & ANR.

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Appearance:

MR TAPASWI P RAVAL(10534) for the Applicant(s) No. 1,2,3,4,5

NOTICE SERVED for the Respondent(s) No. 2

MR. ROHAN N. SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 08/07/2026

ORAL JUDGMENT

1. The petitioners before this Court have prayed to quash and set aside the FIR being CR No.I-74 of 2017, dated 20.05.2017 lodged before the Meghaninagar Police Station, Ahmedabad, for the offence punishable under Sections 323, 498A, 506(1) and 114 of the Indian Penal Code and Sections 3 and 7 of the Dowry Prohibition Act, along with chargesheet No. 3 of 2020, dated 26.01.2020 as well as the proceedings of Criminal Case No.23488 of 2020 pending before the Additional Metropolitan Magistrate, Ahmedabad, pursuant to the aforesaid FIR.



2. The notice was issued first, the original complainant refused to accept it vide order dated 11.06.2024, with a view to give the complainant one more chance, notice was served to the concerned police station. Though served, none appears.

3. Rule fix forthwith. Learned Additional Public Prosecutor waives service of rule.

4. The sum and substance of the FIR is to the effect that all the petitioners herein commented against her work by alleging that, she does not know how to do domestic household work and that her mother has taught her nothing, and that, the accused demanded dowry again and again, and that, she was beaten and was forcibly made to drink Dettol by pressing her neck, and even after giving cash, gold, silver jewelery, motorcycle and four wheel car as dowry by her father, the accused persons together harassed her and also perpetrated physical and mental cruelty, and thus, it is alleged that the offence under Sections 323, 498, 506(1), 114 of the IPC and Sections 3 and 7 of the Dowry Prohibition Act, have been committed by the petitioners herein.

5. Learned advocate Mr. Tapaswi Raval would submit that the complainant has not come with clean hands, inasmuch as a settlement agreement was already executed on 17.03.2017, wherein a huge amount of Rs.20,00,000/- had been paid by accused Nos. 1



and 2 as full and final settlement by way of four cheques, Rs.5,00,000/- each, which have also been honoured. It is after the said four cheques were honoured, the present complaint is filed with ulterior motive to extract further money and to harass the petitioners, inasmuch as, this Court has also quashed and set aside the application preferred by the present complainant under the Protection of Women from Domestic Violence Act 2005, being CRMA J No.6081 of 2017.

5.1. Learned advocate would further submit that the allegations qua the flat are concerned, the said flat is not transferred by the father of the complainant but has been purchased by the mother-in-law of the complainant from the developer namely Siddhidhata Nirman Private Limited, and that some amount is also transferred to the tune of Rs.95,000/- and Rs.72,000/- in the name of Tomar Rita Mansingh (mother of the complainant) by the mother-in-law of the complainant namely Sunita Singh. Thus, the allegations that the flat has been transferred by her father is falsified.

5.2. Learned advocate would further argue that the allegations are bereft of any detail as to when such incidence took place, and the vague allegations are made after settlement was entered into, more particularly, by obtaining sum to the tune of Rs.20,00,000/-. He would further submit that non-appearance of the complainant and refuse to receive the notice would also be an additional factor which

would clearly show the *mala fide* of the complainant to harass the present petitioners, and is nothing but an arm-twisting practice by lodging present FIR to wreck private vengeance.

5.3. Learned advocate would further submit that even looking at the settlement agreement, all the Stridhan, ornaments, etc., have been exchanged, and therefore also the allegations as stated in the FIR are falsified. As far as mental and physical cruelty is concerned, he would submit that since there are no specific instances, such bare allegations would not attract the provisions of Section 323 and 498A of the IPC read with Section 506(1) and 114 of the IPC, and has thus, argued to allow the present petition.

5.4. Lastly, learned advocate would submit that the allegations made in the FIR and the material collected during investigation are so absurd and inherently improbable that based on such material, the Court will never reach to a conclusion that there is sufficient ground to proceed against the present petitioners. And has thus prayed to allow the present petition by quashing the FIR and consequential proceedings.

6. *Per contra*, learned Additional Public Prosecutor Mr. Rohan N. Shah for the State would submit that except for the four statements of the relatives of the complainant, there are no other statements of any independent witness to point out the complicity of



the present petitioners, and that the father of the complainant and the father-in-law of the complainant have entered into a compromise, and cheques worth Rs.20,00,000/- have been handed over, which have also been honoured, and under the circumstances argued to pass orders, in accordance with law.

7. Heard learned advocate for the petitioners and learned Additional Public Prosecutor for the State. This Court has gone through the papers of the chargesheet as well as FIR. Except for the four statements which are nothing but reproduction of the contents in the FIR, there are no independent statements supporting the allegations. Though, it is a tendency that no third party would interfere with the matrimonial disputes, however, statement with regards to any of the relatives of the complainant would have thrown certain light on the allegations made in the FIR.

8. Be that as it may, the factum of Stridhan been exchanged on 20.02.2017, it is a matter of fact that agreement has been entered between the father and the father-in-law of the complainant dated 17.03.2017, wherein various items which have been handed back is also appended, though Rs.15,00,000/- by way of three cheques have been stated in said agreement, in all Rs.20,00,000/- have been transferred. More particularly, Rs.15,00,000/- in the name of the father of the complainant and Rs.5,00,000/- in the name of complainant. The factum of flat being transferred in the name of the



mother-in-law of the complainant is also falsified from the sale deed which is placed on record, which reflects that the flat under question has been purchased by the mother-in-law of the complainant from the developer. The conduct of the complainant is also required to be taken into consideration, inasmuch as the wife has lodged the complaint within 12 days of cheques being honoured worth of Rs.20,00,000/- by suppressing the factum of settlement, as full and final settlement arrived between the parties.

9. Honorable Supreme Court in the case of **Dalip Singh vs. State of U.P.** reported in **(2010) 2 SCC 114**, has condemned the practice of misrepresentation of facts and suppression of material facts, and has observed as under:

“For many centuries, Indian society cherished two basic values of life i.e., ‘Satya’ (truth) and ‘Ahimsa’ (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of justice delivery system which was in vogue in pre-independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences.

However, post-independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In last 40 years,

a new creed of litigants has cropped up.”

10. Thus, in light of the aforesaid observations and by suppressing material facts, by making vague and misleading statements, when an FIR has been lodged that too also without stating the factum of Stridhan having received back, coupled with the fact that, at the first instance, the complainant had ignored to accept the notice and subsequently despite of service of notice has not remained present before this Court is nothing but the conduct which requires to be considered while deciding the present petition, when the veracity of the FIR itself is under question.

11. Even if the FIR is taken into considerations, all the family members are roped into. Honorable Supreme Court in the case of **Dara Lakshmi Narayana v. State of Bihar**, reported in (2025) 3 SCC 735 wherein it was observed that:

“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 wellrecognised 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.

12. Thus, merely on the basis of the vague allegations, the lodging of the present FIR would be abuse of process of law, without making full and fair disclosure of all material facts, more particularly, by invoking the criminal machinery, is nothing but abuse of process of law.

13. Hence, the present application succeeds and is hereby allowed. The FIR being CR No.I-74 of 2017, dated 20.05.2017 lodged before the Meghaninagar Police Station, Ahmedabad, and all consequential proceedings arising therefrom, qua the petitioners herein, are hereby quashed and set aside.

14. Rule is made absolute to the aforesaid extent. Direct service is permitted.

NITIN MAKWANA

(P. M. RAVAL, J)