



2025 INSC 1471

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2025

(Arising out of Special Leave Petition (Crl.) No. of 2025
arising out of Diary No.47072 of 2023)

BELIDE SWAGATH KUMAR

...APPELLANT

VERSUS

STATE OF TELANGANA & ANOTHER

...RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Delay Condoned.

Leave granted.

2. This appeal arises out of the order dated 27.04.2023 passed by the High Court for the State of Telangana at Hyderabad in Criminal Petition No.4364 of 2023 dismissing the criminal petition filed under Section 482 of Code of Criminal Procedure, 1973 (for short, "CrPC") preferred by the accused-appellant herein, and

thereby refusing to quash the proceedings arising out of the FIR No.29 of 2022 dated 27.01.2022 registered with Saroornagar Women Police Station, District Rachakonda under Section 498A of the Indian Penal Code, 1860 (for short, "IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, "DP Act") and Complaint Case No.1067 of 2022 on the file of the Additional Metropolitan Magistrate-cum-Additional Junior Civil Judge, Ranga Reddy District.

3. The said FIR was filed by Smt. Nalla Rashmi, the complainant-respondent No.2, against her husband, the accused-appellant herein, her father-in-law, one Belide Anjaiah (accused No.2), her mother-in-law, one Belide Sandhya Rani (accused No. 3), her brothers-in-law Belide Ranjith Kumar and Belide Santosh Kumar (accused Nos.4 and 5) and her sister-in-law, one Belide Vishnu Priya (accused No.6) under Section 498A of the IPC and Section 4 of the DP Act. Based on the said FIR, respondent No.1 - State filed a Final Report in the form of Chargesheet arraigning all the accused persons including the accused-appellant herein, giving rise to Complaint Case No.1067 of 2022.

4. It is pertinent to mention herein that the accused Nos.2 to 6, i.e. the parents-in-law and other accused of the complainant-respondent No.2 preferred Criminal Petition No.4025 of 2022, before the High Court for the State of Telangana seeking quashing of the criminal proceedings arising out of the aforementioned FIR and complaint case *qua* them. The said Criminal Petition No.4025 of 2022 was allowed by the High Court *vide* order dated 23.04.2025 and therefore all the proceedings *qua* the said accused persons were quashed. The husband i.e. the accused-appellant of the complainant-respondent No.2 has preferred the present appeal.

5. Briefly stated, the facts of the case are that the complainant-respondent No.2 and the accused-appellant, both software engineers working in the USA, got married on 04.12.2016 at Tirumala, Andhra Pradesh; thereafter both of them cohabited in Michigan, USA and on 26.04.2019, the couple was blessed with a son.

6. On 05.08.2019, on account of matrimonial discord, the complainant-respondent No.2 along with her minor son moved back to India and started living in her parental house at Hyderabad

and since then there has been no resumption of cohabitation between the parties. Thereafter, a legal notice dated 11.01.2022 was sent by the accused-appellant to the complainant-respondent No.2 seeking restitution of conjugal rights and asking her to return to USA.

7. On 24.01.2022, the complainant-respondent No.2 filed a complaint against the accused-appellant and his family members. Based on the said complaint, FIR No.29 of 2022 was registered on 27.01.2022 at Saroornagar Women Police Station under section 498A of the IPC and Section 4 of the DP Act.

8. Thereafter, on 02.02.2022, the Saroornagar Women Police Station issued a look-out circular against the accused-appellant and a chargesheet was filed arraigning the accused-appellant and his family members as accused giving rise to Complaint Case No.1067 of 2022 under section 498A of the IPC and Sections 3 and 4 of the DP Act.

9. On perusal of the complaint dated 24.01.2022, FIR dated 27.01.2022 and Complaint Case No.1067 of 2022, the allegations contained in the same can be crystallized as hereunder:

- i. The complainant-respondent No.2 married the accused-appellant on 04.12.2016 and gave birth to a male child while living in USA. Before the marriage, she was working as a Software Consultant but after the marriage, she was asked to quit and stay at home as a housewife.
- ii. After leading a year of happy marital life, the accused-appellant along with her other in-laws started physically and mentally harassing her with demands of dowry in order to repay their family loans and debts.
- iii. On 13.12.2019, she came back to India to her parents' house and since then the accused-appellant has neither supported her nor their child financially.
- iv. The accused-appellant used to harass her whenever she used to ask him for money for the household purposes and used to ask for penny-wise accounts whereas he used to send lakhs of rupees to his parents in India.

10. Aggrieved by the registration of the FIR and the Complaint Case, the accused-appellant filed a Criminal Petition No.4364 of 2023 under Section 482 of CrPC before the Telangana High Court

praying for quashing of the FIR No.29 of 2022 and Complaint Case No.1067 of 2022.

11. By the impugned order dated 27.04.2023, the Telangana High Court has refused to quash the proceedings arising out of the said FIR and Complaint Case. It was observed by the High Court that there were no grounds made out by the accused-appellant and on perusal of the facts and circumstances of the case, it was evident that the accused-appellant has to undergo the trial to prove his defence and the same cannot be considered to quash the proceedings.

12. Aggrieved by the impugned order dated 27.04.2023 passed by the High Court of Telangana, the accused-appellant has preferred the present appeal praying for the quashing of the FIR No.29 of 2022 dated 27.01.2022 and the Complaint Case No.1067 of 2022 arising out of the said FIR.

13. We heard the learned counsel for the accused-appellant and learned counsel for the respondent No.1-State as well as complainant-respondent No.2. We have perused the material on record.

14. It was argued by the learned counsel for accused-appellant that the incidents mentioned in the FIR are general in nature and consist of sweeping unsubstantiated and frivolous allegations which do not fall under the definition of dowry as defined under Section 498A of the IPC. It was further argued that the allegations made by the complainant-respondent No.2 pertain to general wear and tear of the marriage which are part and parcel of a matrimonial life. Furthermore, it was contended by the learned counsel for the accused-appellant that the complaint and the FIR are a counterblast of the legal notice dated 11.01.2022 sent by the accused-appellant and motivated by vengeance and malice to vex the accused-appellant and his family. Lastly, it was argued that all the other family members of the accused-appellant who were arraigned as accused in the said FIR as well as the Complaint Case have been exonerated by the High Court for the State of Telangana in the order dated 23.04.2025 in Criminal Petition No.4025 of 2022.

15. On the other hand, the learned counsel for the complainant-respondent No.2 contended that the FIR and Complaint Case

preferred by her is not a counter-blast to the legal notice sent by the accused-appellant but stems from actual instances of atrocities inflicted by the accused-appellant and his family members upon the complainant-respondent No.2. It was further contended that the complainant-respondent No.2 was required to maintain complete account details in excel sheet for the perusal of the accused-appellant and at his instance, various amounts were transferred from her account to the account of husband i.e. the accused-appellant and thereby he exercised full monetary control over the financial independence of the complainant-respondent No.2. It was also alleged that the accused-appellant used to send money to his parents and his brothers for business purposes whereas, complainant-respondent No.2 had to beg for money to meet her daily needs. It was further contended that during her pregnancy, the accused-appellant did not support or take care of the complainant-respondent No.2 but rather, after the delivery of the child she was pressurised to lose weight and was constantly insulted to the extent that she requested the accused-appellant to permit the complainant-respondent No.2 to be taken for better postpartum care. Lastly it has also been alleged that the

complainant-respondent No.2 was incessantly harassed by the accused-appellant and his family members with constant demands of dowry to repay their business loans and expenses.

16. We have given our thorough consideration to the arguments advanced at the Bar and the material on record.

17. In the instant case, the allegations in the FIR and the Complaint Case are under Section 498A of the IPC and Sections 3 and 4 of the DP Act.

18. Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

19. Further, Sections 3 and 4 of the DP Act talk about the penalty for giving or taking or demanding a dowry.

“3. Penalty for giving or taking dowry.— (1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to,—

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.”

20. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines “cruelty” for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC states that “cruelty” means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty

means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

21. Further, Section 3 of the DP Act deals with the penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the DP Act talks of penalty for demanding dowry. It states that any person demanding dowry directly or indirectly, from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months,

but which may extend to two years and with fine which may extend to ten thousand rupees.

22. The issue for consideration is whether, given the facts and circumstances of the case and after examining the FIR and the Complaint Case, the High Court was correct in refusing to quash the ongoing criminal proceedings against the appellants arising out of FIR No.29 of 2022 dated 27.01.2022 and the Complaint Case No. 1067 of 2022 under Section 498A of the IPC and Sections 3 and 4 of the DP Act.

23. Courts have to be extremely careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial cases where the allegations have to be scrutinized with greater care and circumspection in order to prevent miscarriage of justice and abuse of process of law. The allegations put forth by the complainant-respondent No.2 have been considered by us. In our view, they reflect the daily wear and tear of marriage and can, in no way, be categorised as cruelty. The act of the accused-appellant of sending money back to his family members cannot be misconstrued in a

way that leads to a criminal prosecution. The allegation that the accused-appellant forced the complainant-respondent No.2 to maintain an excel sheet of all the expenses, even if taken on the face value, cannot come under the definition of cruelty. The monetary and financial dominance of the accused-appellant, as alleged by the complainant-respondent No.2, cannot qualify as an instance of cruelty, especially in the absence of any tangible mental or physical harm caused. The said situation is a mirror reflection of the Indian society where men of the households often try to dominate and take charge of the finances of the women but criminal litigation cannot become a gateway or a tool to settle scores and pursue personal vendettas. Furthermore, the other allegations of the complainant-respondent No. 2 such as lack of care on the part of the husband-the accused-appellant during pregnancy and postpartum and constant taunts about her after-birth weight, if accepted *prima facie*, at best reflect poorly upon the character of the accused-appellant but the same cannot amount to cruelty so as to make him suffer through the process of litigation.

24. A bare perusal of the FIR shows that the allegations made by the complainant-respondent No.2 are vague and omnibus. Other than claiming that the husband and his family along with the accused-appellant herein mentally harassed her with a demand of dowry, the complainant-respondent No.2 has not provided any specific details or described any particular instance of harassment. Although she has alleged that an amount totalling to Rupees One Crore was demanded by the accused-appellant and his family members, the complainant-respondent No.2 has failed to put forth any evidence or material on record to elaborate or substantiate the same. Furthermore, the complainant-respondent No.2 has failed to impress the court as to how the said alleged harassment has caused her any injury, mental or physical. There has been no remote or proximate act or omission attributed to the accused-appellant that implicates him or assigns him any specific role in the said FIR for the offence of 498A of the IPC. Merely stating that the accused-appellant has mentally harassed the complainant-respondent No.2 with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC especially in the face of absence of any cogent material or evidence on record to

substantiate the said allegations. The term “cruelty” cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in an FIR which is the premise of invoking criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore mere general allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings.

25. In this regard, it would be apposite to rely on the judgment in the case of ***State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 (“Bhajan Lal”)*** with particular reference to paragraph 102 therein, where this Court observed:

“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 have given 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.

(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."

26. On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the accused-appellant herein is made out. In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused-appellant herein have been made with a *mala-fide* intent with vague and general allegations and therefore, the judgment of this Court in the case of **Bhajan Lal** and particularly sub-paragraphs (1) and (7) of paragraph 102, extracted above, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present

prosecution emanating from the FIR and consequent Complaint Case No.1067 of 2022 to continue.

27. Furthermore, at this juncture, we find it appropriate to quote the judgment of this Court in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735*** wherein it was observed:

“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes

across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498-A IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.”

28. In the aforementioned circumstances, keeping the judicial dicta laid down by this Court in mind, the impugned order dated 27.04.2023 of the High Court is set aside and consequently, the

FIR No.29 of 2022 dated 27.01.2022 registered with Saroornagar Women Police Station, District Rachakonda, Telangana and consequent proceedings initiated pursuant thereto in Complaint Case No.1067 of 2022 stand quashed.

29. It is needless to observe that the observations made in the present appeal shall not come in the way of any matrimonial or other proceedings pending between the parties which shall be decided on their own merits and in accordance with law.

The appeal is allowed in the aforesaid terms.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

**NEW DELHI;
DECEMBER 19, 2025.**