RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1003/2016
CNR: RJHC020530062016 | URN: CRLMP / 486U / 2016

Rajasthan High Court
सत्यमेव जयते
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Rahul Badiwal S/o Shri Mohan Lal Badiwal, aged about 42 years, residing under the C/o Satish Tank At 570/34, Ganesh Nagar, Pahada Choraha, Udaipur (Raj.).

----Accused-Petitioner

Versus

1. The State Of Rajasthan through PP
2. Meenu Badiwal wife of Shri Rahul Badiwal D/o Shri S.R. Kataria, aged about 39 years, R/o B-3, Shiv Colony, Durga Nursery Road, Near Sukhadia Samadhi, Udaipur at present residing at 61/62, Ganesh Nagar B-New Sanganer, Sodala PS Mahesh Nagar, Jaipur (Raj.).

----Complainant-Respondent

For Petitioner(s) : Mr. Rajeev Surana, Senior Advocate with Ms. Muskan Verma, Mr. Umang Jain, Ms. Somya Mangal and Ms. Palak Sinha

For Respondent(s) : Mr. Vijay Singh Yadav, PP with Mr. Onkar Singh Rajpurohit, PP
Mr. Sudhir Jain with
Mr. Yatharth Agrawal

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

12/10/2026

1. Instant misc. petition under Section 482 Cr.P.C. has been filed by the petitioner-accused for quashing FIR No. 187/2015 dated 2nd December 2015, registered at Police Station Mahila Thana, District Jaipur, for offence under Sections 498A, 307, 506, 420, 323, 504 and 120B IPC.

2. Learned Senior Advocate appearing on behalf of the petitioner has submitted that non-petitioner No. 2 filed an FIR on

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2nd December 2015, alleging demand for gold ornaments and money as dowry and further alleging cruelty. He has also submitted that the facts of the case clearly indicate that the marriage of the present petitioner and non-petitioner No. 2 was solemnized on 23rd June 2004 and that a child was born out of the wedlock on 27th April 2005. He has also submitted that the complainant has made false allegations in the FIR, though, during the subsistence of good marital ties between the parties for 10–11 years, the present petitioner borne all expenses and further bought many valuable articles for the respondent. He has also submitted that the petitioner taken care of non-petitioner No. 2 at the time of her illness and that all expenses were borne by the petitioner, and all these documents have been placed on record. He has also submitted that the petitioner arranged treatment for non-petitioner No. 2 at different places and under different addresses.

3. Learned Senior Advocate has also submitted that, on 18th October 2015, the respondent forcibly took the minor child without informing the petitioner. He has also referred to the material and submitted that the facts narrated in the FIR are concocted and that the same was filed to harass the petitioner. He has also submitted that there is no substance in the FIR and that the allegations are omnibus in nature. He has also referred to another FIR, No. 165/2018 dated 3rd July 2018, and submitted that the complainant has filed false cases, even under the DV Act. He also referred to a false declaration made by non-petitioner No. 2 to obtain health insurance and submitted that the statement of the complainant's father was recorded as PW-2 in the case under the

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DV Act, which is sufficient to show that the present petitioner has not committed anything wrong towards complainant.

4. Learned Senior Advocate, while placing reliance on the judgment in the case of **Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors.: 2022 AIR (SC) 820, Naini Devi @ Neni Devi @ Neha W/o Ram Narayan Sen and Ors. Vs. State of Rajasthan, Through PP and Ors.: 2024 RJ (JD) 35312, Achin Gupta Vs. State of Haryana and Anr. 2024 AIR (SC) 2548, Prabir Ray and Ors. Vs. State of West Bengal and Anr.: 2024 Supreme (Cal) 455, Dara Lakshmi Narayana and Ors. Vs. State of Telangana and Anr.: 2025 AIR (SC) 173, Kuntal Panda Vs. The State of West Bengal and Anr.: 2024 Supreme Court (Cal) 412, Rajnish Kumar Biswakarma Vs. State of NCT of Delhi & Anr.: 2025 1 Supreme 549, Abhishek Vs. State of Madhya Pradesh 2023 AIR (SC) 4209, Pradeep Kumar Kesarwani Vs. The State of UP 2025 7 Supreme 324** and **Sujoy Ghosh Vs. The State of Jharkhand and Anr.: 2026 INSC 267,** has submitted that false implication by way of general and omnibus allegations made in the course of matrimonial disputes is sufficient to quash the proceedings. He has also placed reliance on the judgment in the case of **Dr. P. B. Desai v. State of Maharashtra and Anr.: AIR 2014 SC 795**, and submitted that, in order to establish a charge, there has to be some evidence to constitute an offence.

5. The aforesaid contentions were opposed by the learned Public Prosecutor and learned counsel for the complainant. Learned counsel for the complainant has placed reliance on the judgments in the cases of **Pratibha v. Rameshwari Devi and**

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Others, reported in **(2007) 12 SCC 369,** and **Ajay Kumar Das v. State of Jharkhand and Anr.: AIR 2011 SC 3652**, and submitted that the Court cannot go beyond the contents of the FIR He has also submitted that where there are specific allegations in the FIR, then under Section 482 Cr.P.C., the Court can only examine the contents of the FIR to see whether they are sufficient to constitute the offences alleged therein or not. He has also submitted that the defence raised by the petitioner is not applicable at this stage to quash the proceedings.

6. Heard learned Senior Advocate appearing on behalf of the petitioner, learned counsel for the non-petitioner and the learned Public Prosecutor. Perused the material placed on record.

7. Non-petitioner No. 2 filed a criminal complaint in the Court of Metropolitan Magistrate No. 12, Jaipur Metropolitan-II**,** alleging that her marriage was solemnized with the present petitioner Rahul Badiwal, on 23rd June 2004 at Jaipur, but she was ill-treated and harassed by the petitioner and his family members, who demanded dowry. The complaint was sent to Police Station Mahila Thana under Section 156(3) Cr.P.C., and, on the basis of said complaint, FIR No. 187/2015 dated 2nd December 2015 was registered. As per the report submitted by the learned Public Prosecutor offences under Sections 498A and 406 IPC have been made out against the present petitioner, and a charge has already been framed on 10th June 2022, but no involvement has been found against the other persons. The report submitted by the learned Public Prosecutor is taken on record.

8. Learned Senior Advocate has referred to the facts of the case in a written synopsis, and we have gone through the facts

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mentioned therein. Admittedly, a child was born out of the wedlock, who is in the custody of non-petitioner No. 2. Learned Senior Advocate has referred to many documents and facts to show that the petitioner took care of non-petitioner No. 2 and their child.

9. The instant petition under Section 482 Cr.P.C. has been filed for quashing the FIR on the ground that, from a bare reading of the FIR, no offence alleged therein is made out. We have gone through the FIR and also the grounds raised by learned Senior Advocate. We agree to the extent that, while considering a petition under Section 482 Cr.P.C., this Court cannot adopt a view involving a roving inquiry in order to find out the truthfulness of the allegations made against the petitioner.

10. Having considered the entirety of the facts and circumstances of the case, and also the judgment in the case of **State of Haryana vs. Bhajan Lal, reported in 1992 Supp (1) SCC 335**, certain illustrative categories were laid down for quashing of proceedings under Section 482 CrPC, and the same are reproduced as under:

> (a) 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;
>
> (b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation

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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;

(c) 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;

(d) 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;

(e) 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;

(f) 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;

(g) 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

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accused and with a view to spite him due to private and personal grudge.

11. These categories were considered in the case of **Anukul Singh vs. State of U.P. & Another, 2025 INSC 1153**, wherein it was held that the categories in **Bhajan Lal (supra)** are illustrative and not exhaustive, but they provide guiding principles to balance two competing considerations: (a) preventing abuse of the process of law; and (b) ensuring that proceedings are not stuffed at the threshold where disputed questions of fact are involved.

12. In case of **Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors. (supra),** the Hon'ble Supreme Court held that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of process of law. A criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must be discouraged.

13. In case of **Achin Gupta Vs. State of Haryana and Anr. (supra),** the Hon'ble Supreme Court held that in all cases, where wife complaints of harassment of ill-treatment, Section 498-A of IPC cannot be applied mechanically. No FIR is complete without Sections 506 (2) and 323 of IPC. Every matrimonial conduct which may cause annoyance to another, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.

14. In case of **Dara Lakshmi Narayana and Ors. Vs. State of Telangana and Anr. (supra),** the Hon'ble Supreme Court held that Section 498-A is often being misused and Court must guard

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against it. Making vague and generalized allegations during matrimonial conflicts, if not scrutinized, will lead to misuse of legal processes and encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A of IPC against the husband and his family in order to seek compliance with unreasonable demands of a wife.

15. In case of **Rajnish Kumar Biswakarma Vs. State of NCT of Delhi & Anr. (supra),** the Hon'ble Supreme The Hon'ble Supreme Court held that at any stage of proceedings, accused can adopt remedies either under section 482 of Cr.P.C. or Article 226 of the Constitution of India for quashing of FIR and proceedings started thereupon on the ground of abuse of process of law and any other available ground. Whether challenge can be entertained or not is a matter of discretion for the High Court.

16. In case of **Abhishek Vs. State of Madhya Pradesh (supra),** the Hon'ble Supreme Court held that the High Court would continue to entertain and act upon petition filed under Section 482 of Cr.P.C. to quash FIR even when chargesheet is filed by police during pendency of such petition. Court must quard against false implication of in-laws.

17. In case of **Pradeep Kumar Kesarwani Vs. The State of UP (supra),** the Hon'ble Supreme Court has established the parameters for quashing proceedings in case of vexatious complaints, emphasizing a comprehensive review of the circumstances beyond mere allegations.

18. In case of **Sujoy Ghosh Vs. The State of Jharkhand and Anr. (supra),** The Hon'ble Supreme Court held that the Court while exercising its jurisdiction under Section 482 of Cr.P.C. or

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Article 226 of the Constitution of India need not restrict itself only to a stage of a case but is empowered to take into account overall circumstances leading to initiation/ registration of case as well as material collected in course of investigation.

19. In case of **Pratibha v. Rameshwari Devi (supra)**, the Supreme Court has held that, even if a wife lodges an FIR after six months of the incident, the delay is not a ground to quash the FIR. The High Court would quash an FIR only when the allegations made therein do not disclose the commission of an offence. In the case of **Ajay Kumar Das v. State of Jharkhand (supra)**, the Supreme Court, while considering the exercise of power under Section 482 Cr.P.C., held that the material brought on record by the accused cannot be looked at the stage of exercising power under Section 482 Cr.P.C.

20. Having considered the facts narrated in the FIR, it is apparent that the marriage was solemnized in June 2004 and a child was born in April 2005. Thereafter, the first incident specifically mentioned with a year or date is of 2009, followed by an incident in August 2013. The material clearly indicates that the majority of the allegations have been levelled against petitioner and his family members. Thereafter, incident of July 2015 and October 2015 have been mentioned, along with an incident of November 2015. In all these incidents, the family of petitioner is allegedly involved but police did not found their involvement.

21. Learned Senior Advocate has referred to several WhatsApp chats between the parties, along with the evidence recorded in the case under the Domestic Violence Act. Learned Senior Advocate has also referred to FIR No. 165/2018 dated 3rd July 2018 under

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Sections 420 and 406 IPC, registered by the present petitioner against non-petitioner No. 2. The conversation and the transcript have also been placed on record. The material also indicates that the police initiated proceedings under Sections 107–116 Cr.P.C. against non-petitioner No. 2 on the complaint of the father of the present petitioner. All these defences are raised by the petitioner and same cannot be considered at the stage of Section 482 of Cr.P.C.

22. A very specific mention has also been made of the fact that non-petitioner No. 2 is residing at Udaipur with the parents of the accused and that she had filed a criminal case at Jaipur. The non-petitioner was lastly resided at Udaipur, and not at Jaipur and moreover multiple litigations are there between the parties.

23. The entire facts narrated in the FIR clearly indicate that the allegations are omnibus in nature and indicate relationship dispute and differences between the present petitioner and non-petitioner No. 2. There is no doubt about the fact that, after 11 years of marriage, a report regarding dowry was lodged, which is highly improbable. There are no supporting circumstances on record to show that there was a demand for dowry. The fact of cruelty has been alleged by the non-petitioner, who has also filed a complaint under the DV Act and same is pending.

24. After considering the principles of law referred to by learned Senior Advocate, I am of the considered view that the material on record is sufficient to draw a conclusion that the FIR is not only a tool of harassment but is, in fact, a means of dragging a matrimonial dispute into criminal proceedings, therefore, the registration of an FIR containing so many allegations amounts to

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an abuse of the process of law. Thus, we have no hesitation in arriving at the conclusion that the proceedings amount to harassment and that it is a fit case for exercising jurisdiction under Section 482 Cr.P.C.

25. In view of the discussion made hereinabove, the misc. petition under Section 482 Cr.P.C. is hereby allowed, and FIR No. 187/2015 dated 2nd December 2015, registered at Police Station Mahila Thana, District Jaipur, is hereby quashed qua the present petitioner.

26. Misc. application, if any, stands disposed.

(ASHOK KUMAR JAIN),J

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