2026 INSC 1183

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026

(Arising out of Special Leave Petition (Criminal) No.12158 of 2025)

[redacted] **APPELLANT**

VERSUS

STATE OF MAHARASHTRA & OTHERS **RESPONDENTS**

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. This appeal arises out of the order dated 08.01.2025 passed by the Bombay High Court, Aurangabad Bench in Criminal Application No.725/2024 filed under Section 482 of Code of Criminal Procedure, 1973 (for short, "CrPC") refusing to quash the proceedings *qua* the appellant arising out of FIR No.212/2023 dated 30.06.2023 registered with Satara Police Station, District Aurangabad Town under Sections 304B, 323, 498A, 504 read with

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Date: 2026.01.02 17:00:11 IST
Reason:

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Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, "DP Act"). However, while dismissing the said criminal application with respect to the appellant herein, the High Court granted the relief of quashing the FIR and all consequential proceedings thereto *qua* the other family members of the appellant, namely, respondent Nos.3 to 5. Aggrieved, the appellant, who is the son-in-law of the complainant-respondent No.2, has preferred the present criminal appeal.

3. Briefly stated, the facts of the case are that the appellant married the daughter (hereinafter "deceased") of respondent No.2 on 03.01.2021 as per Hindu traditional rites and rituals and thereafter the couple started cohabiting in Chandrapur along with the family of the appellant. On 28.02.2022, the couple shifted their matrimonial home to Toronto, Canada and resided together.

4. On 11.06.2023, the wife of the appellant died by jumping from the 22nd floor of her residential apartment where she was residing with the appellant. A hand-written suicide note was recovered from the shared apartment which reads as follows:

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> "I Failed in my life. It's been more than a year but still struggling to find a job. I feel like I am Stupid and useless person. I don't want to live with this feeling, so I quit. I don't want to live so I am leaving.
>
> Just donate my all organs to the needy people and bury me here, its my last wish."

5. Alleging foul play on the part of the appellant in the suicide of his daughter, respondent No.2 filed FIR No.212/2023 dated 30.06.2023 before Satara Police Station as against the appellant and his family members including his parents and sister. The allegations contained in the said FIR are as follows:

i. The daughter of respondent No.2 was married to the appellant on 03.01.2021 and even before the marriage, the appellant and his family made unlawful dowry demands including fifteen tolas of gold. The said unlawful demand was fulfilled due to the fear of breakdown of solemnization of marriage.

ii. After marriage, the couple started residing at Chandrapur with the family of the appellant and in the initial six months of marriage the deceased had confided that the appellant was quick-tempered, easily irritable and would get angry over trifle issues.

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iii. That on the occasion of Diwali, respondent No.2 gave a gold bracelet to their daughter, a gold ring to the appellant as he had demanded two tolas of gold as dowry.

iv. After shifting to Toronto, Canada, the appellant adopted a fault finding attitude towards the deceased and used to frequently point out her mistakes and called her names such as “stupid and useless” predominantly due to the fact that she was not able to find a job for herself in Canada.

v. In September 2022, the deceased came to India to attend the wedding of her cousin, where the appellant unlawfully demanded three tolas of gold. The said demand was acceded to in order to avoid further confrontation and disrepute. Even at the time of the wedding, the deceased was subjected to repeated abuse and torture including deceased being slapped under the ear by the appellant.

vi. On 11.06.2023, at 6:00 a.m., the appellant called respondent No.2 to inform that his daughter had committed suicide by jumping from the 22nd floor of their residential complex and that, at the time of the incident, the appellant was not at home but rather was attending an event.

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vii. After the said incident, respondent No.2 came to know about multiple extra-marital affairs of the appellant which could have been a contributing factor for the unfortunate step taken by his daughter.

6. On 12.10.2023, the Ministry of Solicitor General of Canada issued a coroner's investigation statement along with the post-mortem examination report wherein the cause of death was attributed to multiple blunt impact trauma due to fall from a height. It was also stated that the deceased had no prior medical history and was not on any prescription medications. It was further observed in the said report that while residing with her husband i.e. the appellant herein, there were no instances of police interactions but rather the deceased had been stressed by her studies lately and she was unable to find a suitable employment which further exacerbated her stress. It was further observed that the local residents of the apartment complex saw the descent of the deceased from the twenty second floor till the impact on the ground. The apartment was found in a tidy and neat condition with no drugs or alcohol found therein and no signs of struggle by the

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deceased or foul play on the part of the husband who was not present when his wife committed suicide.

7. On 08.01.2024, the Toronto Police Department filed a police report closing the investigation *qua* the appellant herein. The closure was based on two findings: (i) the handwriting in the suicide note of the deceased victim matched her own handwriting, and; (ii) there were no signs of struggle or scuffle in the apartment. In the said police report, it was further observed, that upon examination of the video footage of the surrounding area it was apparent that at the time of the incident, the appellant was not at home as he could be seen coming up the elevator and onto the floor about half hour later and then returning quickly down again upon realizing what had transpired.

8. Aggrieved by initiation of criminal proceedings at the behest of respondent No.2, the appellant, along with respondent Nos.3 to 5 preferred Criminal Application No.725/2024 under Section 482 of CrPC seeking quashing of FIR No.212/2023 before the Bombay High Court, Aurangabad Bench.

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9. The Bombay High Court, Aurangabad Bench vide order dated 06.01.2025, dismissed the said criminal application *qua* the appellant herein. On the other hand, the same was allowed *qua* respondent Nos.3 to 5. While doing so, the High Court observed that upon perusal of the FIR, it was apparent that soon before her death, the deceased was not living with respondent Nos.3 to 5 and therefore the investigation proceedings emanating from the FIR *qua* them would tantamount to abuse of process of law and therefore the same was set aside in the interest of justice. However, taking a contrary view with respect to the allegations levelled against the appellant, the High Court proceeded to deny the relief of quashing the FIR and consequential proceedings to appellant on the ground that the allegations contained in the FIR against him were related to the illegal gratification of dowry and had elements of mental cruelty and therefore raising reasonable suspicion so as to let the investigation proceed and reach its logical conclusion in the interests of justice.

10. In the interregnum, a chargesheet was submitted against the appellant which was taken on record by the Trial Court and

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consequently, non-bailable warrants were issued against him vide order dated 04.02.2025.

11. Aggrieved by the order dated 08.01.2025 passed by the Bombay High Court and the criminal proceedings arising out of FIR No.212/2023, the appellant has preferred the present appeal.

12. This Court, vide order dated 11.08.2025, issued notice in the said appeal and directed that no coercive steps shall be taken against the appellant with respect to the impugned FIR subject to his cooperation in the future investigative and judicial proceedings.

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

14. It was contended by learned counsel for appellant that the incidents and allegations mentioned in the FIR are general in nature and a sweep of unsubstantial and frivolous allegations which do not constitute any offence as per IPC. It was pointed out that as per the Coroner's report the cause of the death of the deceased was due to heavy physical trauma commensurate with the forceful impact of the body hitting the floor and nothing on

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record evidenced that there was any foul play on the part of the appellant. It was submitted that upon a bare perusal of the suicide note recovered from the apartment, it was apparent that the deceased was under severe stress due to her employment status and studies and that had no reasonable nexus with appellant and the said suicide note has exonerated him completely especially when the handwriting of the suicide note was later confirmed to be that of the deceased.

15. It was further submitted that the CCTV footage of the surrounding area clearly recorded the appellant's movements wherein it was apparent that he was not in the residential complex either before, or at the time of the incident. It was vehemently argued, while placing reliance on the Coroner's report and the final report of the Toronto Police authority, that there were no signs of struggle in the apartment, no hint of any drug or alcohol and no history of mental and psychological distress that could point towards a probable cause of suicide apart from the suicide note. It was also contended by the counsel for the appellant that there was not even a whisper of any allegation related to demand of dowry made, either by the husband or his family from the inception of the

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marriage till the death of the deceased and further such dowry-related grievance is not reflected from a bare perusal of the material on record. It was therefore contended that the theory of prosecution alleging foul play in the death of the deceased is completely fictitious with no evidentiary support and therefore any allegation pertaining to the same should be nipped in the bud. It was submitted by the learned counsel that upon a bare perusal of the monetary transactions of the appellant, it would reveal that there were many instances where the appellant had transferred money to the account of the deceased and her family members purely on account of love and affection and thereby showcasing his care and affection towards the deceased.

16. Furthermore, it was contended that the appellant went ahead and made the deceased his nominee in respect of his investments thus making the allegation of dowry demand highly improbable. Appellant's counsel, further submitted that despite his repeated refusals, the brother of deceased transferred a sum of Rs.1,00,000/- to his account to help him bear the travel expense of the deceased for her cousin's wedding and these facts remove the substratum of allegations of unlawful dowry demand made by

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him and his family. Lastly, it was contended that the prosecution case made out against him is completely vague and baseless as there is no evidence on record to substantiate any alleged pre-marriage gift received by him or his family nor is there any material on record to justify the allegations of cruelty made out against him. Therefore continuation of any criminal proceeding arising out of FIR No.212/2023 is an instance of abuse and misuse of process of law and therefore the same should be set-aside in the interest of justice.

17. In response to the aforesaid submissions, learned counsel for respondent No.1-State submitted that the course of investigation revealed that the deceased was subjected to repeated acts of violence, both mental and physical at the hands of the appellant and the members of his family with respect to unlawful dowry demands which was further substantiated by several unexplained monetary transactions vis-à-vis the account of the deceased. It was submitted that it was highly improbable that the deceased would have suggested in her suicide note to donate her organs post her death, given the fact that she had jumped from the 22nd floor of the apartment complex whereby no organ would naturally survive the

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fall and its impact. Learned counsel for the State vehemently opposed the criminal appeal on the ground that a non-bailable warrant was already issued by the Trial Court and that the appellant's custodial interrogation was of paramount importance as he was in custody of the deceased's laptop, mobile phone, personal diary etc. Further, considering the nature of allegations against him, his proximity to the deceased and the unnatural circumstances under which the death occurred warranted the continuation of the trial and letting it reach its logical conclusion. Thereby the prayer to dismiss the present appeal was made by the learned counsel representing respondent No.1-State.

18. Adopting the aforesaid submissions, learned counsel for respondent No.2 contended that the Canadian Police enquiry erred in treating the incident as a case of suicide whereas it was clearly a case of dowry death as per Section 304B of the IPC which provision does not exist under the Canadian penal law and therefore the said reports are invalid. To substantiate the claim of unlawful dowry demand, it was submitted that the appellant demanded 15 *tolas* of gold as a wedding gift which was complied with by respondent No.2 and consequently the same was given to

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the appellant and the deceased as a wedding present. Further on the allegation of illegal dowry demand, learned counsel for respondent No.2 submitted that on the occasion of first Diwali after the solemnisation of their marriage, the appellant demanded a gold ring for himself, a gold bracelet for the deceased and clothes for his parents which were again complied with. It was contended the said illegal demands came within the contours of dowry as defined under Section 3 of the DP Act.

19. It was next contended by learned counsel that the appellant was not producing crucial evidence related to the deceased and thereby showing clear non-cooperation and intentional suppression of facts. That the delay in lodgement of FIR was due to the refusal of the police authorities to register the FIR as the incident had occurred in Canada and therefore only after repeated requests, the FIR was registered on 30.06.2023. It was submitted, that the appellant has admitted that he had received the amount of Rs.1,00,000/- from the brother of the deceased out of compulsion.

20. It was further contended by learned counsel for respondent No.2 that the appellant used to verbally abuse the deceased, calling

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her "useless" and "a burden," which ultimately drove her to take such a drastic step, and therefore strongest action in accordance with law was warranted against the appellant-husband. Finally, learned counsel for respondent No.2 contended that hours before her death, the deceased had video-called her mother, during which she was seen wearing a new dress and spoke of attending a social function, without even a hint of any mental turmoil that would necessitate such a drastic step. It was therefore submitted that this Court ought to allow the trial to proceed.

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

22. In the instant case, the allegations in the FIR are under Section 304B, 323, 498A, 504 read with Section 34 of the IPC and under Sections 3 and 4 of the DP Act.

23. Section 304B of the IPC deals with the offence of dowry death and penalises the acts or omissions committed by the husband or relative of the husband resulting in the death of the said woman victim in relation to the said demand for dowry. The said provision reads as under:

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> **"304B. Dowry death.—**(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.
>
> *Explanation.*—For the purpose of this sub-section, "dowry" shall have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
>
> (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."

24. Section 323 of the IPC provides for punishment for voluntarily causing hurt as defined under Section 321 of the IPC. The said provisions read as hereunder:

> **"321. Voluntarily causing hurt.—**Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said voluntarily to cause hurt.
>
> xxx
>
> **323. Punishment for voluntarily causing hurt.—** Whoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both."

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25. Section 498A of the IPC deals with offences committed by the husband or relative of the husband subjecting cruelty towards the wife. The said provision read as hereunder:

> **"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."

26. Further, Section 504 of the IPC penalises the offence of criminal intimidation, which is defined in Section 503 of the IPC. The said provisions read as under:

> **"503. Criminal intimidation.—**Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding

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the execution of such threats, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

27. Lastly, Sections 3 and 4 of the DP Act talk about penalty for giving or taking or demanding a dowry which are extracted hereunder:

"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):

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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.

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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."

28. Before delving into the merits of the case and the contentions of the parties, we find it apposite to discuss the aforementioned sections invoked against the appellant in the FIR. A bare perusal of the said FIR reveals that offence of dowry death as punishable

under Section 304B of the IPC has been invoked. To establish the offence of dowry death, the following essential ingredients need to be established:

(i) the death of a woman should be caused by burns or bodily injury or otherwise than under a normal circumstance;

(ii) such a death should have occurred within seven years of her marriage;

(iii) she must have been subjected to cruelty or harassment by her husband or any relative of her husband;

(iv) such cruelty or harassment should be for or in connection with demand of dowry; and

(v) such cruelty or harassment is shown to have been meted out to the woman soon before her death.

29. The prosecution must at first establish the existence of the necessary ingredients for constituting an offence under Section 304B of the IPC. Once these ingredients are satisfied, the rebuttable presumption of causality, provided under Section 113-B of the Evidence Act, 1872 operates against the accused.

30. Now, to establish an offence of voluntarily causing hurt punishable under Section 323 of the IPC, one has to satisfy the

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essential ingredients of the said section. That is to say, the prosecution has to lead evidence in order to show that bodily pain, disease or infirmity was caused by the accused, in order to qualify as voluntarily causing hurt.

31. Similarly, in order to establish the offence of criminal intimidation as defined and punishable under Section 504, the prosecution has to lead evidence to the effect that

(a) there was an intentional insult,

(b) the insult must be such as to give provocation to the person insulted, and

(c) the accused must intend or know that such provocation would cause another to break public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will provide provocation to any other person and such provocation will cause to break public peace or to commit any other offence. In such a situation, the ingredients of Section 504 are satisfied. One of the essential elements constituting the

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offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 of the IPC. Similarly, mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 of the IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace.

32. 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

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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.

33. Lastly, 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

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

34. Before delving further into the merits of the case, we also wish to underline the contours and extent of inherent powers envisaged under Section 482 of CrPC with respect to quashment of criminal proceedings arising out of an FIR or a criminal complaint. The said Section does not confer any new powers on the High Court but rather saves the inherent power which the court possessed before the enactment of CrPC. It envisages three circumstances under which the said inherent jurisdiction may be exercised, namely; (i) to give effect to an order under the Code; (ii) to prevent abuse of the process of the court, and (iii) to secure the ends of justice. The principle and purpose behind Section 482 of CrPC has been perfectly encapsulated by this Court in ***Central Bureau of Investigation vs. A. Ravishankar Prasad, (2009) 6 SCC 351,*** wherein this Court categorically observed that inherent powers of High Court, under Section 482 of CrPC are meant to act *ex debito justitiae* i.e. to do real and substantive justice, for the administration of which alone it exists, or to prevent the abuse of process of court. The Court then further went on to observe that

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the exercise of inherent powers would entirely depend upon the facts and circumstances of each case and the same can be exercised where the allegations made in the FIR or a complaint, even when taken on their face value and accepted in their entirety, do not prima facie constitute an offence or make out a case against the accused.

35. While the inherent powers should not be exercised to stifle the legitimate prosecution but at the same time no person should be compelled to face criminal prosecution if the basic ingredients of the alleged offence against him are totally absent. The said powers of the High Court in dealing with an extraordinary situation is in the larger interest of administration of justice and for preventing manifest injustice being done. Therefore, it is a duty on the part of the High Court to undo a wrong and to prevent continuation of unnecessary judicial process. It may also be necessary in order to curb an unwarranted criminal prosecution becoming an instrument of harassment and abuse. A person cannot be allowed to unleash personal vendetta to harass any person needlessly and therefore it becomes the paramount duty of the High Court in exercise of its inherent jurisdiction to protect an

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innocent person and not subject him to prosecution on the basis of wholly untenable criminal complaint.

36. Applying the aforesaid principles to the facts of the present case, the issue for consideration, is, whether, given the facts and circumstances of the case and after examining the FIR, the High Court was justified in refusing to quash the ongoing criminal proceedings against the appellant arising out of FIR No.212/2023 dated 30.06.2023.

37. Upon careful perusal of the material on record, pleadings and submissions of the all the parties, this Court is able to discern that respondent No.2 has alleged that the appellant and his family repeatedly indulged in unlawful demands for dowry and thus created a hostile environment that exacerbated the mental agony of the deceased who, when left with no other option, committed suicide under extreme pressure and vulnerability. In this regard, respondent No.2 referred to certain instances when he delivered 15 *tolas* of gold to the appellant as a wedding gift. It is also alleged that the appellant, on the first Diwali after the solemnisation of marriage illegally demanded a gold ring for himself, a gold bracelet for the deceased and clothes for his parents which were duly

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complied with by respondent No.2. Lastly, it has been further alleged that the appellant received a sum of Rs.1,00,000/- (One lakh only) from the brother of the deceased as a further gratification of the illegal demand of dowry. However, this Court, upon examination of the relevant material on record, does not find force in the aforementioned allegations and the averments due to the reasons discussed below.

38. The appellant married the deceased on 03.01.2021 and from that date until her death on 11.06.2023, there was not even a whiff of allegation regarding any demand for dowry by the appellant or his family. The allegations pertaining to illegal dowry demands relate to the years 2021 and 2022, whereas the FIR itself was lodged only after the death of the daughter of respondent No.2. This leaves considerable room for doubt and suspicion in the mind of this Court as to the truth and veracity of the allegations made. This Court cannot help but note that no such grave and severe allegations were raised during the period immediately preceding the wife's untimely demise. There is nothing on record to show that respondent No.2, upon being apprised by his daughter of the alleged dowry demands, took any tangible action against such acts

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by the appellant and his family. A logical step would naturally have been to raise the concern with the appropriate authorities, Indian or Canadian, regarding any alleged mental or physical harassment being meted out to the deceased or to respondent No.2 by the appellant and his family. No dialogue or any discussion between the two families has been referred to in the FIR.

39. On the contrary, upon perusal of the Coroner's report and the final report furnished by the Toronto Police Department, it can be discerned that the report itself states that there was no prior history of any interaction between the couple and local police officials, indicating a relatively calm and smooth marital life between the appellant and the deceased until her death. The suicide note, the handwriting of which is not in question, clearly states that the deceased was under stress and duress on account of her employment status and her studies, which made her feel "useless" and "stupid." Had there been even an iota of mental or physical agony caused by the unlawful demands of dowry by the appellant and his family, the same would, in the natural course, have found mention in the suicide note. However, the reality is that there is no mention of the appellant or his family in the said suicide

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note. Nothing in the suicide note attributes the cause of death to alleged illegal dowry demands by the appellant or his family, or to the alleged mental and physical cruelty to which the deceased was purportedly subjected to.

40. Further, upon a bare perusal of the statement of respondent No.2 recorded under Section 161 of CrPC, it is apparent that he has stated that the said 15 *tolas* of gold were given to both the appellant and the deceased, i.e., his own daughter. Very often, out of genuine love and affection, the parents of either party gift ornaments and jewellery to the newlyweds to mark the auspicious occasion. In this context, it would not be out of place for the father of the bride to give the newlyweds gold, which appears to be the case in the present appeal. The father of the bride, respondent No.2, on the occasion of the wedding, out of love and affection, may have presented the appellant and the deceased jewellery made of gold, which cannot be construed as dowry, since it was given not merely to the appellant but also to the daughter, as a wedding gift, a tradition quite common in Indian households, when not attributed to a demand as dowry.

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41. Furthermore, it has been alleged by respondent No.2 that on the first Diwali after the wedding, the appellant illegally demanded a gold ring for himself, a gold bracelet for the deceased, and clothes for his parents, all of which were duly complied with. The said allegations, when read in conjunction with the surrounding facts and circumstances do not have legs to stand upon. A perusal of the material and documents on record would reveal that the prosecution has not been able to satisfy this Court that the said gifts were given as part of a dowry demanded by the appellant and his family. The very first Diwali after the solemnization of marriage marks a special milestone in the life of newlyweds, where usually both families exchange gifts such as new clothes, jewellery, and sweets as a tradition. In these circumstances, it is very plausible that, while extending gifts to his own daughter on the occasion of Diwali, respondent No.2 extended the same courtesy to his son-in-law and his parents, as a part of custom and tradition. To taint this exchange between the parties with a criminal colour, without any antecedents or substantial material on record, runs afoul of the very basis of the case. Furthermore, such isolated acts of exchange of gifts on an auspicious festival, when seen in the larger context,

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cannot be a factor of cause-and-effect with the suicide of the deceased, which occurred nearly a year thereafter. Nor does the suicide note make any mention of the involvement of the accused-husband or his family, in the context of dowry demands, cruelty, criminal intimidation, or causing grievous hurt. What transpired in the mind of the unfortunate victim cannot be extended to drag the husband and his family members to the cause for suicide in the absence of any material on record to prove or substantiate their culpability. To attract the rigours of Section 304B of the IPC, the prosecution has to prove that soon before her death, the woman was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry. In this aspect, the prosecution has failed to produce before this Court any cogent evidence or material that may substantiate its claim that the appellant made illegal demands for dowry and that the said demand had a reasonable nexus to the suicide committed by the deceased-wife. In absence of any evidence to support the allegation of demand for dowry, the offence under Section 304B cannot be attracted. In this case, any prosecution

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with respect to the same, in our view, would be nothing but an abuse of the process of law.

42. Lastly, it has also been alleged by respondent No.2 that the appellant received a sum of Rs.1,00,000/- (Rupees One Lakh) as dowry from the brother of the deceased. However, upon perusal of the records of the case and the material placed before us, we cannot but notice that the said transaction was undertaken around the same time that the appellant booked flight tickets for the deceased from Canada to India and a bare perusal of the appellant's bank statement makes it amply clear that there were multiple transactions reflected in his and the deceased's accounts; therefore, singling out any one transaction, out of context, cannot be determined to be inculpatory so as to warrant prosecution of the appellant either under Section 304B of the IPC or Sections 3 and 4 of the DP Act. The prosecution has also failed to place any material on record to show that the said amount was demanded by the appellant in the nature of dowry, nor has it succeeded in *prima facie* satisfying this Court as to how the alleged dowry demand, coupled with the other allegations of mental and physical harassment, established a causal relationship with the suicide of

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the deceased. Therefore, the only conclusion this Court can draw is that there is no nexus established between the allegations levelled against the appellant and his family, on the one hand, and the death of the deceased, on the other. Therefore, any legal process emanating from the impugned FIR against the appellant is an unfortunate instance of a father, grieving the bereavement of his daughter, searching for some semblance of reason as to why the deceased took such a drastic step to commit suicide. In such circumstances, this Court cannot permit the prosecution of the appellant to continue as the same amounts to an abuse of the process of law. The same is therefore liable to be set aside in order to meet the ends of justice.

43. We further opine that courts have to be extremely careful and cautious in dealing with such complaints and must have a pragmatic approach by taking into consideration the realities while dealing with matrimonial cases, where the allegations have to be scrutinised with great care and circumspection in order to prevent miscarriage of justice and abuse of the process of law. If we consider the facts of this case, the allegations put forth by respondent No.2 with respect to mental and physical cruelty

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allegedly meted out by the appellant and his family, apart from the allegation of demand for dowry as discussed above, we have not come across any instances of cruelty meted out to the deceased. A bare perusal of the FIR shows that the allegations made by respondent No.2 with respect to grievous hurt and criminal intimidation are vague and omnibus. Other than claiming that the husband, along with his family, mentally and physically harassed her, respondent No.2 has not provided specific details or described any particular instance of harassment. He has merely alleged that the appellant physically abused and harassed the deceased and called her names, which were contributing factors to her untimely demise, but has failed to place any supporting material on record to elaborate or substantiate the same. The allegation that the appellant used to call the deceased "stupid" and "useless," even if accepted *prima facie*, cannot to any extent qualify as an offence of cruelty or criminal intimidation. At best, it reflects on the temperament of the husband, but it cannot be given a criminal colour so grave as to become the reason for the suicide of his wife. Similarly, the allegation that the appellant was short tempered and used to scold the deceased over trifle issues is also not sustainable

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as respondent No.2 has failed to put forth any material evidence on record so as to satisfy this Court of the merits of the said allegations. A temperamental issue of a spouse cannot be equated with the offence of criminal intimidation or grievous hurt so as to make him criminally liable for the suicide of his wife as the same tantamounts to abuse of process of law, particularly when material in support of the same is conspicuous by its absence. We understand the plight and pain of the family members of the deceased who have gone through the tragedy of losing their daughter but the husband and the in-laws, cannot be made to bear the brunt of the same without first demonstrating any act or omission on their part that coerced the deceased to such an extent that committing suicide was the only way out.

44. We observe that in order to attract the rigours of Sections 323 and 504 of the IPC, the prosecution must lay cogent facts and circumstances, backed by material on record, to show that the accused committed acts or omissions that threatened the victim with injury to her person, reputation or property or to the person or reputation of anyone in whom she was interested. Merely stating that the accused indulged in verbal and physical cruelty, is

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insufficient by itself to raise a *prima facie* presumption that such acts and omissions could be the basis to set the criminal machinery in motion.

45. Furthermore, respondent No.2 has failed to satisfy this Court as to how any alleged harassment caused the deceased any injury, mental or physical, establishing a reasonable nexus to her death by suicide. There is no proximate act or omission attributable to the appellant in the instant case that could implicate him or assign him any role under Section 498A of the IPC in the said FIR. Merely stating that the appellant mentally harassed the deceased with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC, especially in the absence of any cogent material or evidence on record in support of such allegations. The term "cruelty" cannot be established without specific instances of commission or omission. The tendency to invoke these provisions without mentioning specific details weakens the prosecution's case and casts serious doubt on the viability of the complainant's version. This Court cannot, therefore, ignore the missing specifics in an FIR, which forms the very premise for invoking the criminal machinery of the State. In cases involving allegations of cruelty and

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harassment, there would normally be specific offending acts, which the complainant would be required to spell out in specific terms against the perpetrators in order to implicate them in the criminal proceedings sought to be initiated. Mere general allegations of harassment, without specifics against such persons, would not suffice to continue criminal proceedings. This holds true even when the prosecution seeks to establish a reasonable nexus between the commission of suicide and the alleged harassment, cruelty, and criminal intimidation.

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

> "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

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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.

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> (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."

47. On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the appellant herein has been made out. In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the appellant herein have been made not with a *bona fide* intent as they are vague and general in nature and therefore, the judgment of this Court in the case of ***Bhajan Lal*** and particularly sub-paragraphs (1), (2), (3), (5) and (7) of paragraph 102, extracted above, squarely apply to the facts of this case. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from FIR No.212/2023 to continue.

48. In view of the aforementioned discussion and keeping the judicial dicta of this Court in mind, the impugned order dated 08.01.2025 of the High Court is set aside and consequently, FIR No.212/2023 dated 30.06.2023 registered with Satara Police Station, District Aurangabad Town and consequent proceedings initiated pursuant thereto stand quashed.

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The appeal is allowed in the aforesaid terms.

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

.....J.
(MANMOHAN)

NEW DELHI;
NOVEMBER 02, 2026.

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