



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 210 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No

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RAKESHKUMAR MITHILESHSINH RAJPUT & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR JIGAR D DAVE(6528) for the petitioner(s) No. 1,2,3,4
MR MAHESH K POOJARA(5879) for the Respondent(s) No. 2
YUVRAJ BHRAMHBHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 21/08/2026

ORAL JUDGMENT

1. Issue Rule. Learned APP waives service of Rule on behalf of Respondent State. Learned Advocate Mr. Mahesh K Poojara waives service of Rule for Respondent No. 2.

1.1 By way of the present petition, the petitioner has prayed to quash and set aside the FIR being No. 11191044220343 of 2022 dated 13.09.2022 registered with Ghatlodia Police Station, Ahmedabad for the offences punishable under Section 498A, 306 and 114 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act and other consequential proceedings arising from the said FIR.



2. The brief facts of the FIR are shown as under:-

2.1 That the Original Complainant had married his daughter with the son of the present petitioner No. 2 and 3 on 29.04.2021. After marriage, the daughter of the Original Complainant went to Mysore with her husband as his husband was doing a job in Bank of Baroda, Mysore, Karnataka.

2.2 After that, both shifted to Ahmedabad as the job of the husband was transferred to Ahmedabad. Thereafter, the daughter of the Original Complainant used to phone call the wife of the Original Complainant and complaint that her husband is demanding money from her and harassing her. When the Original Complainant called the present petitioner Nos. 2 and 3 regarding the said behavior of their son, instead of scolding their son, they demanded more money from the Original Complainant.

2.3 It is also alleged that the petitioner no. 4 was also intimidating his brother to harass the daughter of the Original Complainant. It is alleged that due to such harassment and pressure on the daughter of the Original Complainant by the husband and his family members, she committed suicide on 11.09.2022. hence, the FIR is filed.

3. Learned Advocate for the petitioner would submit that:-

3.1 Petitioner No. 1 is the husband of the deceased, petitioner No. 2 and 3 are the father in law and mother in law of the deceased and Petitioner No. 4 is the brother in law of the



deceased. Petitioner Nos. 2 to 4 are residing at Bihar whereas, Petitioner No. 1 is residing at Ahmedabad.

3.2 That the allegations qua petitioners are vague and omnibus in nature and no specific role is attributed to the petitioners inasmuch as what has been stated against the petitioner no. 1 is that he was asking for more dowry and was given mental and physical cruelty. The role attributed to the petitioner no. 2 to 4 herein is with regards to instigating petitioner no. 1.

3.3 That even against the mother in law and father law who are residing at Bihar have been wrongly roped into the present Fir with an ulterior motive and there are no specific allegations as to what and as to how the cruelty was meted out.

3.4 That deceased married to the accused no. 1 on 29.04.2021 and stayed for about 15 days at Patna. Thereafter, the husband and wife left for Mysore where the petitioner NO. 1 was working. On being transferred, they came to Ahmedabad on 21.08.2021. It is submitted that at no point of time, the petitioners Nos. 2 to 4 have visited to Ahmedabad, nor were any calls made by the petitioner Nos. 2 to 4. Thus, to exert pressure, petitioners were wrongly roped in the FIR which is abuse of process of law and thus, argued to allow the present petition.

4. *Per contra*, the learned APP for the State has submitted that, as per the statement recorded by the investigating Officer during investigation, though the Petitioner Nos. 2 to 4 staying at a distant place, used to instigate the husband and in turn the husband used to torture to the deceased wife, therefore, they



played an active role in the victim committing suicide. It is submitted that though the charge-sheet is filed, as the present petitioners in the present application were granted interim relief, the trial has not commenced. In that background, it is submitted to reject the present application.

5. Heard learned Advocates for the respective parties.

5.1 Having considered the submissions made by the learned advocates for the respective parties and upon referring to the allegations made in the FIR, which has been filed against the present petitioners, who are the husband, mother-in-law, father-in-law and brother-in-law, it appears that the only allegation against the present petitioners made in the FIR is that Petitioner No. 1, under the instigation of Petitioner Nos. 2 to 4, used to torture the deceased. Apart from these bare words, no other allegations are made against the petitioners. As per the allegations made in the FIR, the deceased stayed in Bihar for 15 days, thereafter she left for Mysore and subsequently stayed in Ahmedabad. The only role attributed to Petitioner No. 1, the husband, is that he used to demand dowry to the tune of Rs. 25 lakhs and, on account of which, he used to inflict physical as well as mental cruelty. However, as to how and in which manner the physical cruelty is established does not surface from the papers of the charge-sheet. Thus, in view of such vague allegations, without there being any particular time, date or overt act attributed to the present petitioners, it cannot be said that the petitioners have committed the offences as alleged in the FIR.

5.2 It would be apt to refer the judgment of Hon'ble Supreme

Court in the case of ***Kahkashan Kausar V/s. State of Bihar***, reported in ***(2022) 6 SCC 599***, wherein following observations are made;

“12. This Court in its judgment in Rajesh Sharma v. State of U.P. [Rajesh Sharma v. State of U.P., (2018) 10 SCC 472 : (2019) 1 SCC (Cri) 301] , has observed : (SCC pp. 478-79, para 14)

“14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression “cruelty” in Section 498-A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. [Explanation to Section 498-A.] It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.”

13. Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar [Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449] , it was also observed : (SCC p. 276, para 4)

“4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and

non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested.”

14. Further in Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , it has also been observed : (SCC pp. 676-77, paras 32-36)

“32. It is a matter of common experience that most of these complaints under Section 498-AIPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint

can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. *The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.*

36. *Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful.”*

15. *In Geeta Mehrotra v. State of U.P. [Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741 : (2013) 1 SCC (Civ) 212 : (2013) 1 SCC (Cri) 120] it was observed : (SCC p. 749, para 21)*

“21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V. Rao v. L.H.V. Prasad [G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside.

Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12)

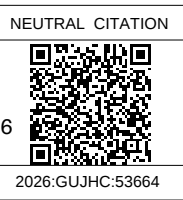
“12. ... There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their cases in different courts.’

The view taken by the Judges in this matter was that the courts would not encourage such disputes.”

16. Recently, in K. Subba Rao v. State of Telangana [K. Subba Rao v. State of Telangana, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605] , it was also observed that : (SCC p. 454, para 6)

“6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further



manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

5.3 This Court has not considered the affidavit of the complainant, which is placed on record across the Bar, stating that the parties have settled the matter and do not wish to proceed with the criminal proceedings. The fact remains that the father of the deceased himself has deposed on oath. As held by Hon’ble Supreme Court in the case of *Madhavrao Jiwaji Rao Scindia & Anr. Etc vs Sambhajirao Chandrojirao Angre & Ors* reported in 1988 (1) SCC 692 more particularly, in para 7 has held that:-

“7. The legal position is well-settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage. “

5.4 Considering the fact that even if the deposition of the original complainant would not support the case of the



prosecution, the same would be an exercise in futility, as there are bleak chances of conviction. Under such circumstances, no useful purpose would be served by allowing a criminal prosecution to continue, more particularly when the quashing petition has been allowed vide order dated 24.03.2026 passed in Criminal Misc. Application No. 23240 of 2022 qua the other accused, and, in turn, asking the present petitioner to face the trial would be an exercise in futility.

5.5 Considering the overall circumstances, the continuation of the process would be nothing but an abuse of the process of law. In that background, the present application deserves to be allowed.

6. Resultantly, the present application is allowed. FIR being No. 11191044220343 of 2022 dated 13.09.2022 registered with Ghatlodia Police Station, Ahmedabad for the offences punishable under Section 498A, 306 and 114 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act and other consequential proceedings arising from the said FIR is hereby quashed and set aside.

7. Rule is made absolute for the aforesaid extent.

MAHENDRA M PUROHIT

(P. M. RAVAL, J)