



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 06th August, 2025
Pronounced on: 08th October, 2025*

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CRL.M.C.1593/2018 & CRL.M.A. 5777/2018

1. **SMT. KARUNA SEJPAL GUPTA**

(Sister-in-law)

W/o Sh. Late Shro Nimesh Sejpal,
R/o 5/35, M-4, Vishawanath Puram Colony,
Ramrepur, Pandey Pur, Varanasi- 221002,

2. **SHRI KANHAIYA RAM GUPTA**

(Father-in-Law)

S/o Shri Ram Lakhan Gupta,
R/o 5/35, M-4, Vishawanath Puram Colony,
Ramrepur, Pandey Pur, Varanasi- 221002,

3. **SMT. KAMLESH GUPTA**

(Mother-in-Law)

W/o Shri Kanhaiya Ram Gupta,
R/o 5/35, M-4, Vishawanath Puram Colony,
Ramrepur, Pandey Pur, Varanasi-221002,

.....Petitioners

Through:

Mr. Rahul Shukla, Mr. Ramandeep Singh, Ms. Bachita Shukla and Ms. Nimrit Bhalla, Advocates for P-1
Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Mr. Bhanu Malhotra, Mr. Gopeshwar Singh Chandel, Mr. Abdul Bari Khan, Mr. Aditya Chaudhary and Ms. Aditi Chaudhary, Advocates

versus

1. **STATE (GOVT. OF NCT DELHI)**

Through S.H.O., P.S. BINDA PUR
Southwest, New Delhi,



2. **SMT. NISHA GUPTA**
W/o Late Krishnanand Gupta
D/o Shri Vijay Kumar Gupta
R/o H.No. 202, RZ-12,
Adarsh Apartment, Matiala Extn,
Uttam Nagar, New Delhi

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Somika and SI Ramniwas, P.S.
Bindapur
Mr. Tribindh Kumar and Bineet
Pandey, Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Section 482 Cr.P.C. has been filed for quashing of the Final Report/Chargesheet filed in FIR No. 0612/2016 under Sections 498A/406/34 IPC dated 26.09.2016 at P.S. Binda Pur, pending before the Id. MM for trial.
2. *The facts in brief* are that the late Krishna Nand Gupta got married to Respondent No. 2 Nisha Gupta on 04.03.2016 in Varanasi, according to Hindu customs and rites. Petitioner No. 1, Karuna Sejpai Gupta is the sister while Petitioner No. 2, Sh. Kanhaiya Ram Gupta and Petitioner No. 3 Smt. Kamlesh Gupta are the parents of the deceased Krishna Nand Gupta. According to the petitioners, the marriage was simple and sober and not a single penny of dowry was sought from Respondent No. 2.



3. On 07.03.2016 i.e. the second day of *vidai*, the couple left for Malaysia for their honeymoon and returned to Pune, Maharashtra, on 13.03.2016, where deceased Krishna Nand Gupta worked as a Manager in ADMOCS. Thereafter, the couple resided in Pune, Maharashtra.

4. Petitioners have claimed that immediately after returning from the honeymoon, some differences arose between the couple, and the deceased husband started living in a depressed, disturbed, and frustrated state. The deceased used to narrate to the Petitioners that the parents of Respondent No. 2 used to threaten and force the deceased to stay with Respondent No. 2, despite him being averse to her.

5. On coming to know about the issues, the Petitioners made all possible endeavours to crease out the differences between the complainant and the deceased, in order to save their matrimonial life.

6. The deceased Krishna Nand Gupta used to remain perturbed and was aggrieved by the conduct of Respondent No. 2 during their honeymoon. Considering his precarious mental condition, Petitioner Nos. 2 and 3, the parents, came to visit him on 14.03.2016, i.e. on the very next day of their return from the honeymoon. There they found that the Complainant's brother Shubham Gupta, sister Neha Gupta and her husband Alok Gupta were already present. These persons not only pressurised the deceased but also threatened him to live with the Complainant under all circumstances.

7. On the next date, i.e. 15.03.2016, Sh. Vijay Gupta and Ms. Shashi Gupta, the parents of Respondent No. 2, also arrived at Pune. They abused, intimidated and threatened not only the deceased, but also the Petitioner Nos. 2 and 3 with dire consequences if the deceased refused to live with the Complainant. They terrorized the Petitioners and the deceased by



threatening to implicate the entire family in a false and frivolous case of dowry and domestic violence and also to cause harm to the deceased.

8. The Petitioners made considerable unsuccessful efforts to smoothen the relationship between the deceased and the Complainant which had already become tenuous, by trying to convince the deceased to change his mind.

9. The Petitioner Nos. 2 and 3 wished and hoped that with the passage of time, the differences between the two would get resolved. However, the Complainant and her parents continued to nag and incessantly torture the Petitioners and the deceased. Such persistent behaviour and harassment became all the more suffocating and harassing for the deceased.

10. According to Hindu religion, the Petitioners organized a pooja in Varanasi on 11.04.2016 on the occasion of Navratri to bring peace and harmony in the family. Since all the leaves of deceased got exhausted due to his marriage and honeymoon, he could not come to Varanasi. However, Respondent No. 2 came on 06.04.2016 *via* Delhi, and her mother accompanied her to Varanasi. On 11.04.2016, Respondent No. 2/wife went to the Petitioners' village at Ghazipur, UP, where the pooja was performed. After returning to Varanasi, Petitioner No. 2 dropped the Complainant at her native parental home in Varanasi, where her mother was residing.

11. Deceased being mentally and physically harassed by the unwarranted acts and persistent threats extended by the Complainant and her parents to him, committed suicide two days later in Pune, in the midnight of 13.04.2016, i.e. barely after 40 days of their marriage.



12. On 14.04.2016, the Complainant, on the instance of her parents, left the matrimonial home immediately after the cremation. Since then, the Complainant has never ever come back to her matrimonial home.

13. On 16.04.2016, he Petitioner No. 2, Sh. Kanhaiya Ram Gupta, gave a Complaint at Hadaspur Police Station, Pune, Maharashtra, to conduct a fair investigation to unravel the truth behind the suicide committed by the deceased. On 18.06.2016, i.e. after about two months, as a counterblast, Respondent No. 2 filed a Complaint in CAW Cell, Dwarka, New Delhi against the Petitioners alleging mental torture on account of demand of dowry and hatching a conspiracy and abetting her deceased husband to commit suicide and spoiling her personal life.

14. On 27.06.2016, Mr. Vinod Kumar Gupta, authorized by the Complainant, took her i10 Grand bearing registration No. UP 65 CH 6374 from Varanasi, which was gifted to her, by her parents at the time of marriage, after due documentation before the Police officials, P.S. Cantt, Varanasi, UP.

15. On 28.08.2016, Respondent No. 2 took all her belongings from Pune in the presence of the Sh. Vijay Patil, the landlord of the rented Apartment. A inventory was made by the landlord, which was duly signed by Respondent No. 2.

16. Thereafter, she filed a *Petition under Section 125 Cr.P.C.* on 27.07.2016 seeking maintenance, which was dismissed by the learned Principal Judge, Family Court, Dwarka, New Delhi.

17. On 24.08.2016 at about 8 AM, the Complainant, her mother Smt. Shashi Gupta and relative Suresh Gupta forcibly entered into the house of Petitioner No. 2. They demanded Rs.50 lakhs and also threatened the



Petitioner No. 3 with dire consequences and told her not to pursue their Complaint filed in Pune, to seek investigations of the suicide committed by the deceased. They forcibly snatched the keys of the almirah from her and took away all the jewellery belonging to Petitioner No.3. They not only abused but also assaulted the Petitioner No. 3 and caused injuries to her.

18. On 28.08.2016 at around 4 PM, the Complainant, her mother, and relative came to the house of Petitioner No. 1 at Varanasi and knocked vigorously at the door. As soon as the daughter of Petitioner No. 1 opened the door, they all started hurling explosives of the worst order and forcibly entered their house. On being questioned about their unlawful behaviour, they assaulted her with kicks, fists and sticks. Petitioner No. 1 sustained injuries.

19. On the same day, they threatened to implicate the Petitioners in false cases and to ruin their lives if they pursued their Complaint about the suicide committed by the deceased. Petitioner No. 1 filed a Complaint dated 03.09.2016 before the Judicial Magistrate-1, Varanasi, UP about the said incident.

20. On 05.09.2016, Petitioner No. 2 filed his Reply to Complaint before the CAW Cell wherein he cogently replied all the questions put by the Complainant in her Complaint. ***The FIR No. 612/2016 was registered under Sections 498A/406 IPC at P.S. Bindapur.***

21. The Chargesheet has been filed in the concerned Court under Sections 498A/406 IPC without arrest of the Petitioners.

22. The Complainant also filed a Complaint dated 20.08.2016 under ***Section 12 DV Act*** before the Mahila Court, seeking various reliefs, which was also dismissed by the learned MM on 12.07.2017.



23. The quashing of the Chargesheet filed in FIR No. 0612/2016 has been sought *on the preliminary ground* that no part of the act took place within the *local jurisdiction of Delhi*, and therefore, this Court has no territorial jurisdiction to entertain the present Chargesheet in terms of Sections 177 and S. 178 Cr.P.C. Reliance has been placed on Satvinder Kaur vs. State (1999) 8 SCC 728.

24. **On merits**, it is contended that the FIR had been registered on false, frivolous and fabricated averments and does not disclose any offence under Sections 498A/406/34 IPC. False allegations have been made by the Complainant that Rs.5 lakh each were given on the ceremony of *Roka* and *Tilak* by the father of the Complainant to the Petitioners and the deceased husband. The cash of Rs.1 lakh through NEFT was given to the Respondent No. 2 by her father, for the purpose of furnishing of the new **Flat** in Pune.

25. It is further submitted that the Complainant took all her belongings including her *stridhan* from the rented premises at Pune on 28.06.2016, in the presence of Vijay Patil, the landlord. The car was also taken away from Varanasi, by the representative of the Complainant. The allegations made in the Complaint do not fall within the course of Section 498A IPC. Reliance has been placed on Harmanpreet Singh Ahluwalia vs. State of Punjab (2009) 7 SCC 712.

26. It is asserted that there was no demand of dowry at any point of time, either before at or after the marriage, made by the Petitioners. They never treated the Complainant with cruelty or subjected her to harassment and torture. It is, therefore, submitted that the Chargesheet along with the proceedings therein be quashed.



27. The bare perusal of FIR shows that neither the alleged money was ever entrusted to the Petitioners nor were they dishonestly misappropriated by the Petitioners and no offence under Section 406 IPC is made out. Reliance is placed on Pratibha Rai vs. Suraj Kumar (1985) 2 SCC 370.

28. ***The Status Report has been submitted on behalf of the State*** wherein details of the investigation carried out in the FIR and the filing of Chargesheet has been detailed. It is submitted that there were specific allegations made by the Complainant about ill treatment and cruelty at the hands of her in-laws. It was alleged that a demand of Rs.14 lacs was made at Delhi, by the parents of the deceased on their return from honeymoon and it was told that the money was required by the father for purchasing the land in the name of Petitioner No. 1, the sister. During investigations, the *stridhan* was recovered from the matrimonial house and was seized *vide* Memo dated 18.02.2017.

29. It is further submitted that the father of the Complainant is a Government servant working in the office of Resident Commissioner, Government of Arunachal Pradesh, Kautilya Marg, New Delhi, as Junior Engineer since 2010. The family of the Complainant has been residing in their own flat at Uttam Nagar, New Delhi. They are permanent residents of Delhi. The Complainant's father has ancestral property at Varanasi, UP i.e. their native village where they visit occasionally for attending religious ceremonies and events.

30. As per the investigations, offence is a continuing one having been committed in different areas including Bindapur, New Delhi. *Therefore, this Court has jurisdiction to try the offence.*



31. The *Respondent No. 2/Complainant* has filed a detailed Reply wherein she has submitted that she has been now residing in her parental home at Uttam Nagar, New Delhi. Her father is a Junior Engineer in the Government department and permanently resides in Delhi. *Therefore, this Court has territorial jurisdiction to entertain the present case.*

32. It is further submitted that after the marriage, Respondent No.2 along with her husband, had come to Petitioner's house at Varanasi on 05.03.2016, when her husband had demanded Rs.14,00,000/- from the parents of Respondent No.2. Further, when mother of Respondent No.2 went to Varanasi for performing pooja in her house, the Petitioners hatched a conspiracy. Petitioner No.2 dropped Respondent No.2 at her parental home on 11.04.2016 with the assurance that he would take her back on 14.04.2016. However, in the meanwhile, her husband committed suicide on 13.04.2016 at Pune, *which was abetted by the Petitioners*. Prior to committing suicide, deceased husband had sent a screenshot of WhatsApp conversations between him and Petitioner No.2. Also, deceased had called Respondent No.2 and told her that his family members were pressurising *him to commit suicide* as his father-in-law had declined to pay Rs.14,00,000/- to purchase the land for his sister.

33. From the WhatsApp conversations between the deceased, Petitioner No.1 (sister of deceased) and Petitioner No.2 (father), it is evident that Petitioner No.1 instigated him to commit suicide on account of non-fulfilment of demand of money, by the father of the Complainant/Respondent No.2.

34. Petitioner No.2 had made a Complaint dated 16.04.2016 at PS Hadapssar, Pune, wherein he stated that the deceased and Respondent No.2



were happy and enjoying their life to the best. However, deceased had relationship with another girl *Anubha Rai* and they were regularly in touch. It is submitted that despite this fact being in the knowledge of the Petitioners, this fact had not been revealed to Respondent No.2 because of the greed of money.

35. It is further asserted that on 09.03.2016, deceased had conversation with his sister Karuna/Petitioner No.1, who insisted that he should make a demand of money. Further, on 12.04.2016, in the mid-night, mother of deceased had also called him to demand money from his father-in-law, as he was Engineer and had lot of money.

36. It is further submitted that after the demise of Respondent No.2's husband, Petitioners wanted her parents to take her to Delhi for some time, after which they would bring her back. Accordingly, Respondent No.2 came to Delhi. After becoming normal after a few days, she tried calling the Petitioners, but they did not respond. She then called the near relatives and neighbours and enquired about the Petitioners and requested them to visit the house of the in-laws. On her request, neighbours of the Petitioners went to their house to inform them. Thereafter, Petitioner No.2 refused to directly talk to Respondent No.2 and told her that "*tumhara yaha se koi rista nahi haia tim yaha dubara kabhi mat aana, na hi kabhi call carna*". Respondent No.2 thus, started living with her parents in New Delhi.

37. It is submitted that *offences under Section 498A/34 IPC is a continuing offence and Delhi Courts have jurisdiction.*

38. Reliance has been placed on *Sunita Kumari Kashyap vs. State of Bihar and Anr.*, S.L.P. (CRL) No.8078/2018; *Sujata Mukherjee (Smt) vs. Prashant Kuiflar Mukherjee*, (1997) 5 SCO 30; *M.P. Vs. Suresh Kaushal &*



Another, (2003)11 SCC 126; and Dr. Baljeet Singh vs. State of NCT at Delhi & Anr., CRL.M.A. 4075/2013.

39. *It is therefore submitted that there are specific allegations of cruelty against the Petitioners and no case made out for quashing of FIR.*

40. Petitioners in their **Rejoinder Affidavit** have reiterated their assertions as made in the Petition.

41. **Written submissions** have also been filed by both the parties, wherein similar contentions as stated in the Petition, have been raised.

Submissions heard and record perused.

42. Instant is an unfortunate case where the marriage did not survive even for 40 days and the husband committed suicide resulting in sour relations followed by ugly litigation.

43. The two legal issues raised are; *firstly*, the alleged offence was not committed within the jurisdiction of Courts in Delhi; and *secondly*, whether on merits, the FIR and consequent Chargesheet is liable to be quashed, in view of it being an abuse of the process of the Court.

I. Territorial Jurisdiction:

44. A **Preliminary objection** has been taken in regard to non-maintainability of the Criminal case on the ground of *lack of territorial jurisdiction as no part of offence took place in Delhi*. It is contended that the marriage was performed in Varanasi, Uttar Pradesh, from where the complainant along with her husband directly went for their honeymoon to Malaysia. They returned directly from Malaysia to Pune, on 13.03.2016. The parents of the deceased had visited the couple at Pune on 14.03.2016, where allegedly for the first time a demand of Rs.14,00,000/- was made. Later, on



14.04.2016, i.e. within forty days of marriage, late Krishnanand Gupta committed suicide at Pune, Maharashtra.

45. It is argued that the Complainant has sought to create the jurisdiction by making allegations that while going for their honeymoon, they had stopped at Delhi and the deceased had made a demand of Rs.14,00,000/- from the father of Respondent No.2. Furthermore, after the demise of her husband at Pune, she had been told to go back to her parental home in Delhi with an assurance that she would be called back, though thereafter, despite her efforts, she was told that they have no relationship and that she must not contact them. The offence is continuing, and this Court has jurisdiction since she is now residing in Delhi.

46. *The pertinent question which arises is whether in the given facts, this Court has territorial jurisdiction to entertain this Chargesheet.*

47. **Chapter XIII of CrPC** deals with jurisdiction of the criminal courts in inquiries and trials.

“Section 177. Ordinary place of inquiry and trial. *Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.*

Section 178. Place of inquiry or trial.

- (a) When it is **uncertain** in which of several local areas an offence was committed, or*
- (b) where an offence is committed partly in one local area and **partly in another**, or*
- (c) where an **offence is a continuing one**, and continues to be committed in more local areas than one, or*
- (d) where it consists of **several acts done in different local areas**, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.*



Section 179. Offence triable where act is done or consequence ensues. *When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.”*

48. The conjoint reading of the aforesaid Sections shows that the fundamental principle for territorial jurisdiction is that such court within whose jurisdiction the crime or any part thereof or has continued, would have the jurisdiction. S. 179 further provides that the court where the consequence of the offence has ensued would also have the jurisdiction.

49. Applying these principles, especially to the matrimonial disputes, it emerges that the acts of cruelty may be committed upon a woman in a particular jurisdiction but the consequence, impact and trauma is carried by her to the place where she sets up her abode or takes shelter. This implies that the consequence of harassment manifests itself in the place where she goes to live after separation. It can also not be overlooked that even though there may be physical separation, but the relation continues even if it is acrimonious and is by way of various complaints that may follow.

50. In this regard, reference may be made to the case of Priya Indoria vs. State of Karnataka, (2024) 4 SCC 749, wherein the Apex Court observed in the especially in the context of the matrimonial cases where the wife alleges cruelty and domestic violence, that the ordinary place of investigation and trial as per Section 177 CrPC, would be the place where the cruelty allegedly took place. It referred to the cases of State of Bihar vs. Deokaran Nenshi, (1972) 2 SCC 890; Sujata Mukherjee vs. Prashant Kumar Mukherjee, (1997) 5 SCC 30; Y. Abraham Ajith vs. State of T.N., Ramesh vs.



State of T.N., (2004) 8 SCC 100; and Manish Ratan vs. State of M.P., (2007) 1 SCC 262 to conclude that if none of the ingredients constituting the offence can be said to have occurred within the local jurisdiction, that jurisdiction cannot be the ordinary place of investigation and trial of a matrimonial offence.

51. In Sunita Kumari Kashyap vs. State of Bihar and Anr., S.L.P. (CRL) No.8078/2018, the Supreme Court held that if a wife leaves the matrimonial home due to cruelty and takes shelter at her parental home, the parental home's court has jurisdiction to try the case, even if no overt act of cruelty occurred there, under Sections 178(c) and 179 Cr. P.C. This is because the ongoing effects of the cruelty, such as mental distress, manifest as a continuing offence at the parental home. The Court observed:-

“In view of the specific assertion by the appellant-wife about the ill-treatment and cruelty at the hands of the husband and his relatives... and of the fact that because of their action, she was taken to her parental home at Gaya by her husband with a threat of dire consequences... we hold that in view of Sections 178 and 179 of the Code, the offence in this case was a continuing one having been committed in more local areas and one of the local areas being Gaya, the learned Magistrate at Gaya has jurisdiction to proceed with the criminal case.”

The Court further clarified that “the offence was a continuing one and the episode at Gaya was only a consequence of continuing offence of harassment of ill-treatment meted out to the complainant, clause (c) of Section 178 is attracted.”

52. The facts involved in the present case are *para material* to Sujata Mukherjee (Smt) vs. Prashant Kuiflar Mukherjee, (1997) 5 SCO 30; wherein there was an allegation that the wife was illtreated by her husband who left



her at her parental home and further that the husband had not made any enquiries about her thereafter. There was a further allegation that even when the wife had tried to contact the husband, he had not responded. In the said facts, the Apex Court took the view that the consequences of the offence under Section 498A have occurred at the parental home and, therefore, the court at that place would have jurisdiction to take cognizance of the alleged offence in view of Section 179 Cr.P.C.

53. Similar observations were made in the case of M.P. Vs. Suresh Kaushal & Another, (2003)11 SCC 126 and Dr. Baljeet Singh vs. State of NCT at Delhi & Anr., CRL.M.A. 4075/2013.

54. All the aforesaid judgements were considered by three-Judge Bench of the Apex Court in the case of Rupali Devi vs. State of Haryana, (2019) 5 SCC 384 and explained that the emotional distress or psychological effect on the wife, if not the physical injury, is bound to continue to traumatize the wife even after she leaves the matrimonial home and takes shelter at the parental home. Even if the acts of physical cruelty committed in the matrimonial house may have ceased and such acts do not occur at the parental home, there can be no doubt that the mental trauma and the psychological distress cause by the acts of the husband including verbal exchanges, if any, that had compelled the wife to leave the matrimonial home and take shelter with her parents would continue to persist at the parental home. Mental cruelty borne out of physical cruelty or abusive and humiliating verbal exchanges would continue in the parental home even though there may not be any overt act of physical cruelty at such place. would amount to commission of cruelty within the meaning of Section 498A. *It was held that her sufferings at the parental home though may be*



directly attributable to commission of acts of cruelty by the husband at the matrimonial home would, undoubtedly, be the consequences of the acts committed at the matrimonial home. Such consequences, by itself, would amount to distinct offences committed at the parental home where she has taken shelter. This is the kind of offences contemplated under Section 179 Cr.P.C.

55. In the present case, the Respondent was allegedly subjected to dowry demands and cruelty, and was subsequently sent back to her parental home in Delhi with an assurance by the husband that he would call her back by 14.4.2016, though he committed suicide on 13.04.2016. Even thereafter, according to the Complainant, all her endeavours to connect to the in-laws or to go back, proved to be futile. She was allegedly threatened that she would not be taken back.

56. *In these facts and circumstances and law on territorial jurisdiction, it cannot be said at this stage that this Court does not have territorial jurisdiction.*

II. Whether there are any Grounds for Quashing of Chargesheet:

57. *The second aspect* of the contentions of the Petitioners is whether this is a fit case to exercise jurisdiction under Section 482 Cr.P.C. to quash the FIR.

a) The Essentials of Law:

58. To assess the merits of the allegations, it is pertinent to refer to Section 498A IPC, which is reproduced as under:-

“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 purposes 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.”*

59. The act of ‘cruelty’ by a husband or his relative towards a woman, has been defined in the Explanation appended thereto, which provides that the cruelty punishable under Section 498A may be of *two kinds*;

(i) Firstly, such conduct which is likely to drive a woman to commit suicide or to cause grave injury to herself; or

(ii) Secondly, harassment to coerce her or any person related to her to meet any unlawful demand for any property or valuable security.

60. It was explained by the Apex Court in the case of Jayedeeepsinh Pravinsinh Chavda vs. State of Gujarat, (2025) 2 SCC 116 while considering the guilt of the husband under Section 498A IPC, and it was observed that cruelty simpliciter is not enough to constitute the offence under Section 498A IPC; rather it must be done either with an intention to cause injury or to drive the person to commit suicide or with an intention to coerce her and her relatives to meet unlawful demands. Mere cruelty is not enough to constitute the offence.



61. In the light of the aforesaid discussion, the allegations made in the Complaint have to be assessed in detail.

b) The Allegations as found in the Complaint:

(i) Against Karuna Sejpal – the Sister-in-Law

62. In the present case, the *first allegation* against Karuna, *Petitioner No.1/sister of deceased* is that on 14.03.2016, Petitioner Nos.2 and 3, the parents-in-law, arrived at Pune and on the same day at about 09:30 PM, husband/deceased informed Respondent No.2 that his sister/Petitioner No.1 is putting pressure on him to ask his father-in-law for remaining Rs.14,00,000/- as was agreed at the time of marriage, to help Karuna who had purchased a plot in Varanasi, but needed more money for construction of the house on that plot.

63. From these allegations, it is abundantly clear that Karuna herself had not made any demand nor was there any facilitative role in any such alleged demand conveyed to Respondent No.2 through her husband/deceased. There is not an iota of even suggestion that it was the sister who had directly or indirectly, in any manner sought money for the construction of her Plot from the parents or the Complainant ever. Pertinently, even on 14.03.2016, Petitioner No.1 was nowhere in the picture. *Therefore, it is not even a semblance of even a vague allegation against her.*

64. This allegation is also contrary to the statements of Respondent No.2 in the Reply that while going to Malaysia for their honeymoon, she and her husband had come to her parental home in Delhi on 07.03.2016, when a demand of Rs.14,00,000/- was made by her husband/deceased from her parents.



65. From this contradictory stand taken by Respondent No.2, *it is evident that these allegations of alleged demand attributable to petitioner No.1 are clearly vague and ominous, which does not inspire any truth.* Rather, it is an unsuccessful attempt to somehow rope in the sister-in-law, without any basis.

66. *Further, the second allegation* made against Petitioner No.1 is that on 02.04.2016, she booked her tickets for Varanasi without prior intimation. On 06.04.2016, mere booking of tickets for coming to Varanasi, especially when it is the case of Respondent No.2 herself that some religious pooja was to be performed on 11.04.2016, can by no stretch of imagination be termed as harassment or cruelty.

67. *The third allegation* made is that Petitioner No.1 pressurised the mother of Respondent No.2 to take her for two days, which the mother denied due to some religious belief because of Navratri days. Again, this allegation *in toto*, does not reflect any harassment or cruelty, but is only a request to the mother to take Respondent No.2, to their home. Even if it is admitted to being correct, it does not reflect any harassment or cruelty as contemplated under S.498-A IPC.

68. *The Complaint itself, when considered as a whole, does not reflect any act of harassment or cruelty against Petitioner No.1, as envisaged under Section 498A IPC.*

(ii) Against Kanhaiya Ram Gupta – the father-in-Law

69. The allegations against *father-in-law/Petitioner No.2 Shri Kanhaiya Ram Gupta* are that he demanded cash of Rs.25,00,000/-, one four-wheeler and ornaments weighing 25 tola of Gold at the time of marriage. However, it



is not denied that one four-wheeler (car) which was given to Respondent No.2 at the time of marriage, which has been taken back by Respondent No.2, after demise of her husband. The jewellery and other household articles have also been taken away after demise of her husband, which was documented by the Landlord at Pune.

70. Furthermore, to explain Rs.5,00,000/- each allegedly given at the time of Rokka and Tilak ceremony respectively, the complainant had asserted that her father had arranged the items and cash from many sources, i.e. bank loan, friends and relative. But, neither any Bank Statement nor the name of friend or relative or other source from where the money was allegedly arranged, had been disclosed. Not only this, there are no documents whatsoever, to show that alleged amount of Rs.25,00,000/- had been agreed to be given by the parents of the complainant.

71. Admittedly, Rs.1,00,000/- was given through NEFT for purchasing furniture for new Flat in Pune, but that was not for fulfilling any demand, but was merely to facilitate the furnishing of the new Flat of newly married couple, at Pune. Likewise, the car had been given to Respondent No.2 at the time of marriage, was immediately returned after the demise of her husband. There is nothing to show that the car or the jewellery had been given on the demand of the Petitioners.

72. Aside from making such bald allegations of there being demand of Rs.25,00,000/-, a car and the ornaments weighing 25 tola, without there being any corroborative evidence, can only be termed as an endeavour to somehow make a Complaint under Section 498A IPC.

73. *Clearly, these are bald assertions made only for the purpose of making the Complaint under Section 498A IPC.*



c) Other Allegations:

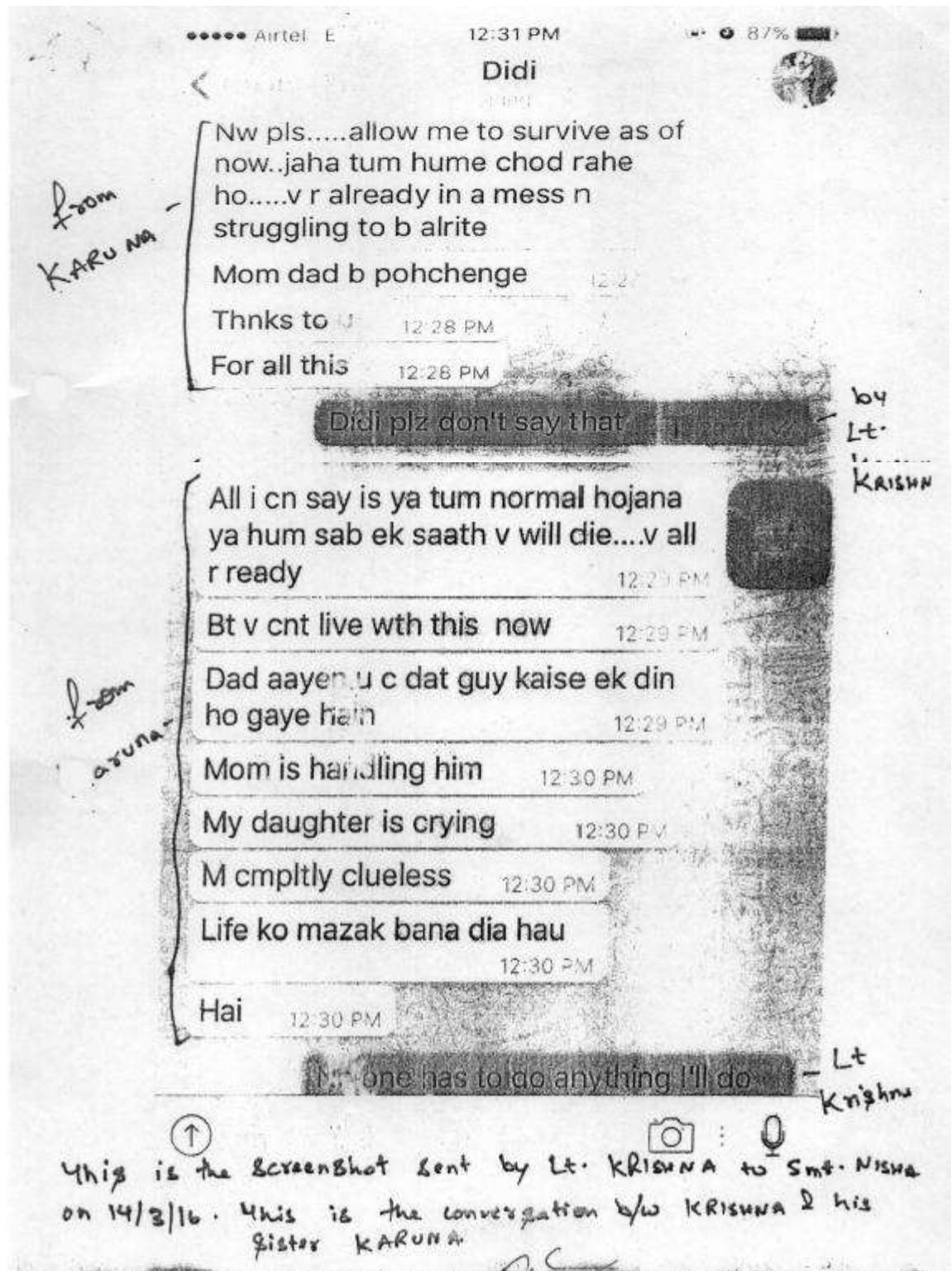
74. The respondent No.2/Complainant had further contended that on 14.03.2016, her parents-in-law came to Pune and at about 09:30 PM, she was apprised by the deceased husband that they were making a demand of Rs.14,00,000/- to be paid to his sister/Petitioner No.1. However, as this aspect has been discussed above, this was only a hearsay apparently conveyed through husband, but there was no direct demand.

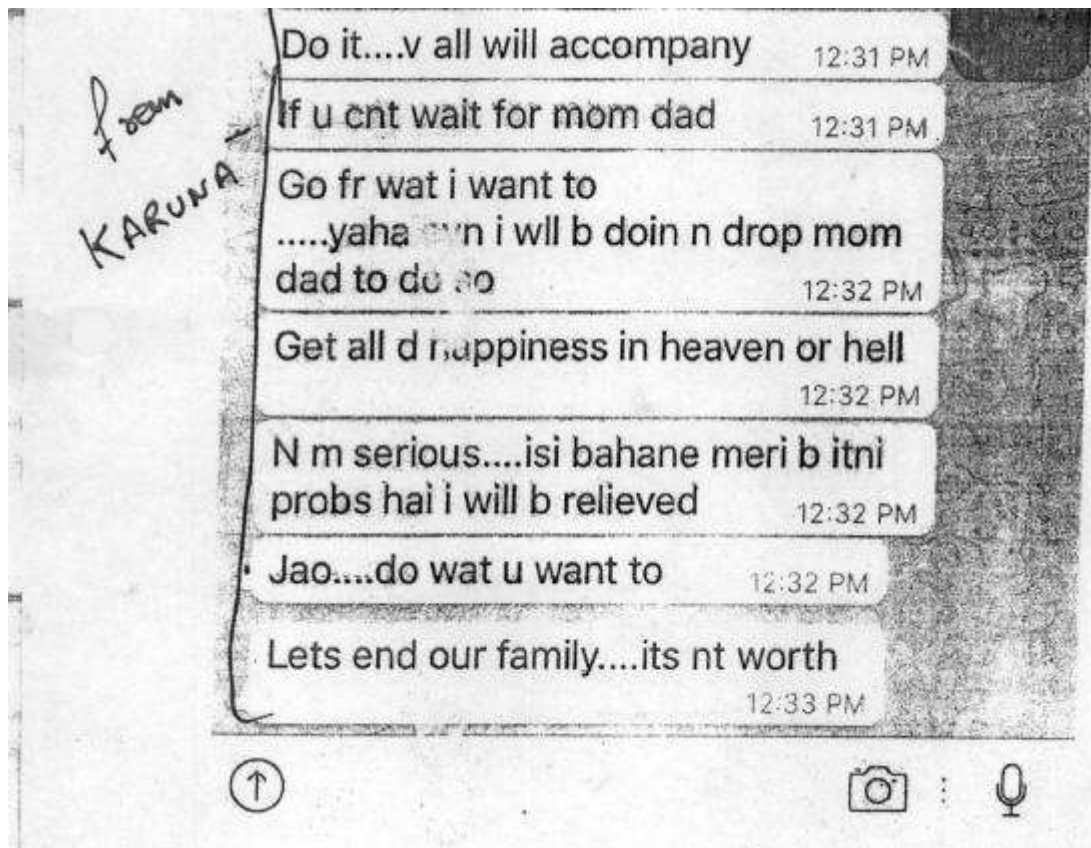
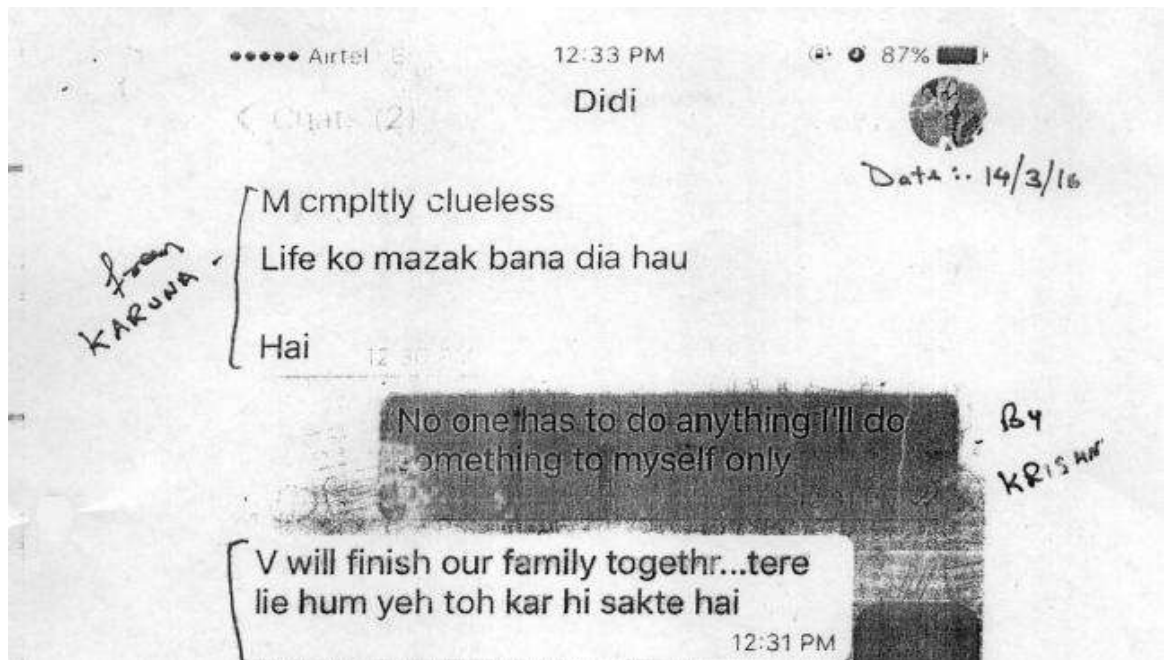
75. Moreover, this demand shall also be considered subsequently in the light of *WhatsApp conversation* between the deceased, his father/Petitioner No.2 and sister/Petitioner No.1.

76. Further averments were made that on 15.03.2016, Petitioner No.2 had taunted that Respondent No.2's father has not given the balance amount of Rs.14,00,000/- because of which the work of his daughter's house is stalled. It is further asserted that because of this demand that was made by her parents-in-law through her husband, she and her husband were always under pressure, tension and depression. Later, he could not handle this pressure and committed suicide.

77. To appreciate these contentions, it would be pertinent to refer to the WhatsApp conversation of the deceased and sister/Petitioner No.1, which as per Respondent No.2, had been forwarded to her by the deceased before he committed suicide.

78. Respondent No.2/Complainant along with her Reply has annexed screenshots of WhatsApp chats, which are as under:





79. These aforesaid WhatsApp chats, on which Resopndent No.2 herself has relied, also do not show that there was any kind of harassment being



meted out by deceased. In fact, these conversations reflect that there was an underlying stress between brother and sister, who in any case was contemplating to commit suicide, about which his sister was aware and her helplessness is evident from her remarks that with the prevailing atmosphere, the entire family may commit suicide.

80. It rather shows that the deceased was under his own mental stress, while Respondent No.2 was at her parental house with her mother. There is nothing in the WhatsApp chats from where it can be inferred that there was any stress on the deceased on account of any dowry demands being made by his parents or that he had conveyed any such demand to Respondent No.2.

81. Clearly, these WhatsApp chats also do not in any way show that there was any dowry demand or harassment of Respondent No.2. Rather, what emerges from these chats is that it was the husband who was under tremendous stress and was compelled to commit suicide.

82. It is also pertinent to mention that immediately after the last rites of the husband performed on 16.04.2016, she along with her parents returned to her parental home in Delhi.

83. Petitioner No.2/ father of deceased filed a Complaint on 16.04.2016 before PS Hadapsar, Pune, detailing all the circumstances of how his son was under tremendous stress on account of his relationship with Respondent No.2. It was also indicated that the father had been informed by Petitioner No.1 Karuna that she had tried to counsel the deceased that since he has got married; he must stop meeting his ex-girlfriend Anubha Rai, with whom he was still in contact. It was thus, reported that his son, who was otherwise an ambitious boy had committed suicide in his house in Pune on the night of 13.04.2016.



84. It all reflects that the deceased husband had friendship with some girl prior to his marriage and was unhappy and stressed about his marriage with respondent No.2. Despite best efforts things, the husband committed suicide barely within 40 days of marriage. It is a reverse case where husband has died because of stresses faced by him after marriage and not otherwise.

85. It is also pertinent to observe that the Complainant made allegations of harassment by demand of Rs.14,00,000/- for the first time in her Complaint on 22.06.2016, after having taken all her belongings from the rented house in Pune and the car from Varanasi. Moreover, as per her Complaint, alleged demands were never made directly by the Petitioners, but according to her, were conveyed by her husband.

86. As discussed above, the allegations made in the Complaint of dowry harassment, are vague which are not borne out from the record and essentially not supported by any cogent evidence. The present Complaint was filed under Section 498A IPC is clearly, a case of the abuse of process of law and merits quashing in the interest of justice.

87. In Dara Lakshmi Narayana vs. State of Telangana, 2024 SCC OnLine SC 3682 the Supreme Court while dealing with the components of Section 498A IPC to ascertain whether the same are attracted on vague allegations raised by the wife, observed that the contents of the Complaint may be assessed to see if there is any kind of cruelty as contemplated in Clause 1 or if there is any harassment for dowry as contemplated in Clause 2 is made out. If the allegations in the s which are alleged after the notice of divorce, then it may be concluded that the FIR has been lodged as a retaliatory measure intended to settle the score with the husband and his relatives. In such a situation, the quashing of the FIR is justified.



88. Furthermore, the above observations were reiterated in the case of *Digambar and Another v State of Maharashtra 2024 INSC 1019 decided on* December 20, 2024 that the FIR contained vague allegations of cruelty against the husband and the relatives of the husband (including the parents-in-law) who were dragged into the crime without any reason. If the contents of the FIR are vague and omnibus and lacked precise allegations, which even if taken on the face value and accepted in their entirety, did not prima facie constitute a case against the accused, the quashing of proceedings would be justified.

89. Recently, in the case of *Sanjay D. Jain v State of Maharashtra Special Leave Petition (Cri)No. 12584 of 2024* decided on 26.09.2025, same observations have been reiterated.

90. Therefore, it is evidently a case of vague allegations and clear case of *abuse of power and it is not in the interest of justice if the present proceedings are permitted to be continued.*

Relief:

91. In the light of aforesaid discussion, FIR No.612/2016 under Sections 498A/406/34 IPC registered at PS: Bindapur, New Delhi and all consequential proceedings emanating therefrom, are quashed under S.482 Cr.P.C. and the Petitioners are discharged.

92. Petition along with pending Application(s), if any, is disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

OCTOBER 08, 2025

N/R