



2026:CGHC:4360-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 2617 of 2023**

Rajat Pashine S/o Dr. Prafulla Kumar Pashiney Aged About 40 Years Permanent R/o C-1102, Marvel Fria, Near Kamal Bagh Society, Wagholi, Pune, P.S.-Lonikand, District-Pune (Maharashtra) PIN- 412207, However, Presently Residing At 38A, Anand Nagar, Durg, Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Ministry Of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh

2 - The Station House Officer Police Station- Mahila Thana And District- Durg, Chhattisgarh

3 - Smt. Shubha Rai Pashine W/o Rajat Pshine, D/o Shri Kamlesh Kumar Rai, Aged Around 34 Years, Presently Residing At D-44-45, Akanksha Kunj, Risali, Bhilai, District : Durg, Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr.Hari Agrawal, Advocate

For Respondents : Mr.Nitansh Jaiswal, Deputy Government

No.1 & 2/State Advocate

For Respondent : Mr.Aman Tamboli, Advocate

No.3



Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

27.01.2026

1. Heard Mr.Hari Agrawal, learned counsel for the petitioner as well as Mr.Nitansh Jaiswal, learned Deputy Government Advocate appearing for respondents No.1 & 2/State and Mr.Aman Tamboli, learned counsel appearing for respondent No.3.
2. By this petition under Section 482 CrPC, the petitioner has prayed for the following relief(s):

"It is, therefore, prayed that this Hon'ble Court may be pleased to exercise its inherent jurisdiction under Section 482 of Cr.P.C. and in exercise thereof call for the records (if necessary), and quash the Charge Sheet No. 38/2021 originally filed for offence punishable under Section 498-A, 34 & 377 of the IPC (however presently only under Section 498-A, 377 of I.P.C. in view of the judgment dated 10.10.2023) by the Police Station Mahila Thana, Sector-6, Bhilainagar, Tahsil & District- Durg (C.G.) [Annexure P-11 and all consequent proceedings/orders Incidental & accidental thereto Including the regular Criminal Case No.5828/2021 pending consideration before the Judicial Magistrate 1st Class, Durg, C.G., (Annexure P-1) and and/or pass such other orders in favour of the petitioner as this Hon'ble Court may deem it fit in the facts and circumstances of the case."



3. Facts of the case are that the petitioner and respondent No.3, both well-qualified professionals, were married on 27.04.2013 and lived separately from their families at Pune, where they led a stable matrimonial life and were blessed with a son on 22.04.2017. During the COVID-19 lockdown in May 2020, disputes arose, following which the petitioner was allegedly assaulted and forced to leave the matrimonial home, though he continued to financially support the respondent and child. Subsequently, the petitioner discovered that respondent No.3 was allegedly involved in an extra-marital relationship, after which she left the matrimonial home with the child and allegedly withdrew ₹25 lakhs from their joint loan account. The petitioner thereafter filed divorce and child custody petitions in September 2020. Immediately after service of summons in those proceedings, respondent No.3 lodged FIR No. 70/2020 under Sections 498-A, 377 read with 34 IPC against the petitioner and his family members, which the petitioner alleges to be false, retaliatory, and an abuse of process of law. The family members have already been granted quashing of proceedings by this Court, and the petitioner now seeks quashing of the FIR/charge-sheet on the ground that the allegations do not disclose the essential ingredients of the offences alleged and are mala fide in nature.
4. Learned counsel for the petitioner submits that the registration and continuation of the impugned FIR, charge-sheet and criminal proceedings against the petitioner is a serious abuse of the



process of law. Even if the allegations in the FIR and charge-sheet are taken at their face value and accepted in entirety, they do not disclose the commission of any cognizable offence against the petitioner under Sections 498-A or 377 IPC. The police report and accompanying materials fail to satisfy the essential ingredients of the alleged offences, and therefore, the continuation of criminal proceedings would result in grave miscarriage of justice, warranting interference by this Court under Section 482 CrPC. He further submits that no offence under Section 377 IPC is made out against the petitioner in view of the admitted marital relationship between the petitioner and respondent No.3. All allegations pertaining to alleged “unnatural sexual acts” fall, if at all, within the amended definition of “rape” under Section 375 IPC (post-2013 amendment), and the petitioner is clearly protected by Exception-2 to Section 375 IPC, as the respondent was admittedly above the prescribed age. In view of the expanded scope of Section 375 IPC, Section 377 IPC stands impliedly excluded in cases of consensual marital relations, and its invocation in the present case is legally untenable. He also submits that the charge-sheet does not disclose any act of “cruelty” as defined under Section 498-A IPC. There are no allegations of willful conduct on the part of the petitioner of such nature as is likely to drive the respondent to commit suicide or cause grave injury to her life, limb or health, nor are there any allegations of harassment for unlawful demand of dowry or



property. The petitioner has been roped in mechanically by applying Section 34 IPC, despite the absence of any independent or specific allegations against him. He contended that the FIR is initiated by unexplained and inordinate delay, contains vague, exaggerated and inherently improbable allegations, and has been lodged immediately after the respondent gained knowledge of the divorce and custody proceedings initiated by the petitioner. The timing and contents of the complaint clearly demonstrate that it has been filed as a counterblast with an ulterior motive to harass the petitioner, wreak vengeance, and pressurize him to withdraw the matrimonial proceedings. The implication of elderly parents and other family members, who have already been granted quashing by this Court, further exposes the mala fide intent behind the prosecution. He further contended that the impugned proceedings squarely fall within the parameters laid down by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Suppl (1) SCC 335, Lalita Kumari v. State of U.P., (2014) 2 SCC 1** and **Mehmood Ali v. State of U.P., 2023 INSC 684**, where criminal proceedings initiated with malice, without disclosure of essential ingredients of offences, or as a tool of harassment, deserve to be quashed at the threshold. The direct registration of FIR in a matrimonial dispute without conducting a preliminary enquiry is also contrary to settled law. He also submits that continuation of criminal trial in the present case would amount to punishing the petitioner without evidence, subjecting him to



needless harassment, and allowing the criminal justice system to be misused for oblique purposes. The present case is a fit one where the proceedings deserve to be nipped in the bud to secure the ends of justice and prevent abuse of the process of Court. He also submits that the FIR has been lodged with an inordinate delay of 7 years and also submits that divorce has been taken place between the parties. As such, the petition deserves to be allowed and the criminal proceedings pending before the Judicial Magistrate First Class, Durg in Criminal Case No.5828/2021 arising out of charge-sheet No.38/2021 for offence under Sections 498A and 377 of the IPC deserve to be set aside.

5. On the other hand, learned counsel appearing for respondent No.3 opposes the submissions made by learned counsel for the petitioner but could not dispute the fact that divorce has been taken place between the parties. However, he has not filed the return in the present case.
6. We have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
7. The allegations levelled in the FIR are vague, omnibus, and devoid of particulars, lacking specific instances of cruelty or unlawful dowry demand as the FIR has been lodged after a delay of 7 years. As such, continuation of such proceedings would amount to sheer harassment of the petitioner which falls squarely



within the parameters laid down by the Hon'ble Supreme Court in

Bhajan Lal (supra), for exercise of inherent powers to quash.

8. Recently, in the matter of ***Ghanshyam Soni v. State (NCT of Delhi), 2025 INSC 803***, the Hon'ble Supreme Court quashed a belated FIR under Section 498A IPC after 22 years, holding that stale and omnibus allegations, filed as an afterthought, cannot be the foundation for criminal prosecution. Similarly, in ***Dara Lakshmi Narayana v. State of Telangana, (2024) SCC OnLine SC 923***, it was held that vague and sweeping allegations against in-laws without specific attribution of roles constitute abuse of the criminal process. Further, in ***Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667***, the Supreme Court observed that exaggerated and omnibus allegations in matrimonial disputes must be carefully scrutinized, and courts must ensure that criminal law is not misused as a tool of vengeance.
9. Upon a careful consideration of the facts of the case, the rival submissions advanced by learned counsel for the parties, and the material available on record, this Court is of the considered opinion that the continuation of the impugned criminal proceedings against the petitioner would amount to an abuse of the process of law. The allegations made in the FIR and the charge-sheet are vague, omnibus, and bereft of specific particulars so as to constitute the essential ingredients of the offences alleged under Sections 498-A and 377 of the IPC. The FIR has admittedly been lodged after an inordinate delay of about



seven years and appears to have been filed subsequent to the initiation of divorce and child custody proceedings by the petitioner, clearly indicating mala fide intent and a retaliatory motive.

10. This Court finds force in the submission that the dispute between the parties is essentially matrimonial in nature and that criminal law has been set into motion as a counterblast to the civil proceedings. The allegations do not disclose any willful conduct amounting to “cruelty” within the meaning of Section 498-A IPC, nor do they *prima facie* make out an offence under Section 377 IPC in view of the admitted marital relationship and the settled legal position. The implication of the petitioner, particularly when the proceedings against other family members have already been quashed, further strengthens the conclusion that the prosecution is malicious and vexatious.
11. In view of the principles laid down by the Hon'ble Supreme Court in ***Bhajan Lal*** (*supra*), ***Ghanshyam Soni*** (*supra*), ***Dara Lakshmi Narayana*** (*supra*) and ***Preeti Gupta*** (*supra*), this Court is satisfied that the present case falls within the category of cases where the inherent powers under Section 482 CrPC deserve to be exercised to secure the ends of justice and to prevent abuse of the process of the Court.
12. Accordingly, the petition is **allowed**. Charge-sheet No. 38/2021 and all consequential proceedings arising therefrom, including



Criminal Case No. 5828/2021 pending before the Judicial Magistrate First Class, Durg, for offences under Sections 498-A and 377 of the IPC, are hereby quashed.

13. The petition is **allowed** to the extent indicated hereinabove.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

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