NEUTRAL CITATION NO. 2026:MPHC-IND:25901



# IN THE HIGH COURT OF MADHYA PRADESH

## AT INDORE

**BEFORE**

**HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

**Cr.R. NO.1602/2026**

***ASHA SAH AND OTHERS***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri Palash Choudhary- Advocate for the petitioners.*

*Shri Jay Gopal Chouksey- Government Advocate for the respondent/State.*

*Shri Utkarsh Rajpurohit – Advocate for the respondent No.2*

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**Reserved on :-09.09.2026**

**Post on :- 16.09.2026**

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## ORDER

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The present criminal revision has been preferred by the revisionists under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ***'BNSS'***) challenging the legality, propriety, and correctness of the order dated 19/02/2026 passed by the Vth Civil Judge, Senior Division, Ratlam in Case No. RCT 3211/2025.

2. By way of the impugned order, the learned trial Court has framed charges against the present petitioners under Sections 74, 85, 351(3), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS'), and Sections 3 and 4 of the Dowry Prohibition Act, 1961, arising out of Crime No. 610/2025 registered at Police Station Station Road, Ratlam. The petitioners, aggrieved by the framing of charges, have approached this Court seeking complete discharge.

## FACTS OF THE CASE

3. The factual matrix, as it unfurls from the material available on record, reveals that the marriage between Petitioner No. 3 (Ashish/Husband) and Respondent No. 2 (Complainant) was solemnized on 02/03/2019 as per Hindu rites and rituals with their free consent in the presence of family members and a social

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gathering. From the said wedlock, they were blessed with a daughter. In the course of his employment, petitioner No. 3 was posted at various locations including Indore, Pune, and Kharagpur. The complainant accompanied her husband to these respective places of posting. According to the revisionists, the married life progressed peacefully and happily without any complaints until the events leading to the present FIR.

4. The prosecution story, initiated upon a written complaint by respondent No. 2, alleges a diametrically opposite scenario. It is alleged that barely a month after the marriage, Petitioner No. 3 began unduly pressurizing the complainant to leave her job. Harbouring unwarranted suspicion regarding her character, the husband allegedly forced her to resign. The complainant further alleges that on subsequent occasions, when she was residing at her sister-in-law's house, her mother-in-law (Petitioner No. 1) and father-in-law (Petitioner No. 2) consistently tortured and coercively harassed her. This harassment was allegedly rooted in persistent demands for dowry from her parents.

5. A grave allegation has been leveled against Petitioner No. 2 (Father-in-law). The complainant alleges that Petitioner No. 2 sexually teased and troubled her under the pretext of teaching her

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how to drive a car. When the complainant disclosed this incident to her husband (Petitioner No. 3), he allegedly ignored the gravity of the situation, summarily denied the allegations, and actively pressurized her not to discuss the matter with anyone else. Further allegations state that Petitioner No. 3 subjected the complainant to severe physical and mental harassment. It is specifically alleged that under the influence of alcohol, the husband routinely abused and beat her.

6. Following the unfortunate demise of the complainant's father, the petitioners allegedly visited the complainant's maternal house in Ratlam and continued to torture her over dowry demands. The prosecution alleges that unable to bear this continuing mental trauma and physical cruelty, the complainant finally went to her mother's house on 22/05/2025. Subsequently, an FIR was registered on 25/07/2025 bearing Crime No. 610/2025 at Police Station Station Road, Ratlam.

7. Upon completion of the investigation, the police filed a charge-sheet against all three petitioners. The learned Vth Civil Judge, Senior Division, Ratlam, upon taking cognizance and hearing the parties on the point of charge, passed the impugned order dated 19/02/2026. In the said impugned order, the learned

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trial court concluded that there was sufficient prima facie material available on record to proceed against the accused persons. Consequently, charges were framed against all the petitioners under Sections 74, 85, 351(3), 3(5) of the BNS, 2023, and Sections 3/4 of the Dowry Prohibition Act, 1961. The matter was thereafter listed for recording of prosecution evidence.

**SUBMISSIONS FOR THE REVISIONISTS**

8. Learned counsel appearing for the revisionists, has forcefully argued that the sine qua non for registration of an FIR and framing of charge is the existence of a prima facie case based on credible evidence. In the present matter, the complainant has leveled vague, baseless, and omnibus allegations without producing an iota of evidence to substantiate them. Advancing his factual challenge, learned counsel submits that the allegation of sexual harassment against the father-in-law is a vicious after thought. Pointing to Annexure A/3, it is argued that a woman who already possesses a valid driving license would not require her father-in-law to teach her driving. Coupled with the strict COVID-19 lockdown restrictions prevailing during the alleged timeframe, the entire genesis of the allegation is rendered inherently improbable and self-contradictory.

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9. Learned counsel further submits that the learned trial court committed a grave error in ignoring the glaring delay in filing the FIR and the absence of any prior complaints. The FIR lodged on 25/07/2025 is a counterblast to the matrimonial discord that culminated when the complainant left her matrimonial home on 22/05/2025 with all her ornaments and belongings, despite Petitioner No. 3 having booked her reservation tickets (Annexure A/9) with the bona fide belief she was returning. Assailing the jurisdictional propriety of the impugned order, it is argued that the trial court acted mechanically. The material on record, particularly the photographs (Annexure A/4) and her employment profile (Annexure A/5), completely destroys the prosecution narrative of forced resignation and continuous torture.

10. Placing heavy reliance on judicial precedents, learned counsel drew the attention of this Court to the landmark judgment of the Hon'ble Supreme Court in **Preeti Gupta And Another Vs. State of Jharkhand and Another reported in (2010) 7 SCC 667.** It is submitted that the Supreme Court has expressed deep concern over the rapid growth of matrimonial litigation, noting that complaints under the cruelty provisions are often filed in the heat of the moment over trivial issues, lacking bona fides, and are used to

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rope in distant relatives living in different cities. Furthermore, learned counsel relied heavily on the judgment of the Hon'ble Apex Court in **K. Subba Rao & Ors. V/s State of Telangana 2018 (14) SCC 452,** and reproduced the exact observation of the Hon'ble Court to press for the discharge of the senior citizen in-laws:

> *"5. Criminal Proceedings are not normally interdicted by us atthe interlocutory state unless there is| an abuse of process of aCourt. This Court, att the sameLime, does not hesitate to interfereto secure the ends of justice See State of Haryana Vs. Bhajan Lal1992 Supp. (1) SCC 335, The:Cour ts should be careful inproceeding against the distant relatives in crumnes pertaining tows - Y"matrimonial disputes and: dows v deaths. The relatives of thehusband should not be. roped in' 'on_the basis of omnibusallegations unless specificic instances of their involvement in the"A, crime are made out. "*

**SUBMISSIONS FOR THE STATE / RESPONDENT / OBJECTOR**

11. *Per contra,* learned counsel for the State, along with learned counsel for Respondent No. 2/Complainant, vehemently opposed the revision petition. It is submitted at the threshold that the revision is false, frivolous, misconceived, and an abuse of the process of law, deserving outright dismissal.

12. Learned counsel for the objector submits that the trial court has meticulously appreciated the material on record and has rightly

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framed the charges. At the stage of framing charges, only a grave suspicion is required, and a mini-trial cannot be conducted. Defending the factual matrix, it is submitted that Respondent No. 2 is a young woman living alone with her minor daughter because of continuous physical, mental, and emotional cruelty. The husband forced her to leave her job, subjected her to extreme control, and physically abused her under the influence of alcohol.

13. Regarding the in-laws, it is submitted that after a few months of marriage, Petitioner Nos. 1 and 2 started consistently harassing her for dowry, causing severe psychological trauma. Replying to the defense regarding the driving license, it is submitted that the complainant merely needed a refresher from a driving school, but the father-in-law volunteered to teach her, utilizing the opportunity to sexually harass her. When she reported this, the husband threatened her into silence. Learned counsel vehemently justifies the delay in lodging the FIR, arguing that victims of matrimonial cruelty and sexual harassment often suffer in silence due to societal pressure and the desperate hope of saving their marriage. Mere delay does not dilute the gravity of domestic violence and sexual offenses. Expanding on the husband's cruelty, it is pleaded that Petitioner No. 3 intentionally kept his wife away from him. When

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the daughter contracted pneumonia in February (pleaded as 2028, but taken in the context of the timeline), the husband forced her to go to his parents in Aurangabad, claiming Pune lacked good doctors. Subsequently, the in-laws abandoned the complainant and the sick child to visit Assam. The husband allegedly denied her permission to visit her parents in Ratlam and forced her to cancel her tickets.

13. The objector strongly condemns the revisionists' reliance on the past rent agreement (Annexure A/6). It is submitted that this is a scandalous, irrelevant attempt at character assassination. The agreement was executed with a close relative of the complainant's brother-in-law, a fact known to the petitioners before marriage. It is argued that filing an application under Section 9 of the HMA while simultaneously demonizing her character exposes the petitioners' mala fide intentions. Finally, it is submitted that documents like the driving license, school admission receipts, and photographs are defense materials and obvious after thoughts. Their evidentiary value must be tested during the trial, and they cannot be looked into for granting discharge at the revisional stage.

**ANALYSIS AND FINDINGS**

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14. This Court has heard the parties and carefully examined the material on record.

15. The primary contention of the revisionists is that Petitioner Nos. 1 and 2, being senior citizens residing separately in Aurangabad (with frequent visits to Assam), have been roped into the dispute based on sweeping, general, and omnibus allegations of dowry demand. A careful reading of the FIR and the complainant's statements reveals a glaring absence of specific details concerning Petitioner Nos. 1 and 2. The allegations that they demanded dowry and harassed the complainant are broadly stated without any specification of date, time, or the exact nature of the demand. As held by the Hon'ble Supreme Court in **K. Subba Rao (supra)**, courts must exercise caution before interdicting criminal proceedings, but they must not hesitate to interfere to secure the ends of justice. The Hon'ble Supreme Court categorically mandated that relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement are made out. Applying this principle, the general allegations of dowry harassment against Petitioner Nos. 1 and 2 fail to satisfy the threshold of specific involvement.

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16. The most serious allegation is against Petitioner No. 2 (Father-in-law, a retired Army Officer), accusing him of sexual harassment under Section 74 of the BNS. The revisionist has vehemently countered this by producing the complainant's valid driving license (Annexure A/3), arguing that she already knew how to drive, making the "teaching" scenario a concoction, particularly during the strict COVID-19 lockdown. The State and Objector argued that she needed a refresher course and that the license is a matter of defense evidence. While it is true that defense documents are generally not to be evaluated at the charge stage, the Court cannot be blind to the inherent absurdity of the prosecution's case when an public document (the driving license) strikes at the very root of the alleged incident.

17. When a woman already possesses a valid driving license, the entire premise that her father-in-law was teaching her to drive from scratch, during a nationwide lockdown, appears inherently unreasonable and self-contradictory. Furthermore, the delay in reporting such a grave incident, allegedly to "save the marriage," when viewed in conjunction with the subsequent matrimonial collapse, strongly points towards over-implication. The tendency to implicate the entire family of the husband in matrimonial disputes

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has been judicially recognized as a growing menace. In the present facts, this Court finds that the allegations against Petitioner Nos. 1 and 2 are a classic example of such over-implication. The ingredients of the offences under Sections 85, 74, 351(3), 3(5) of the BNS, and the Dowry Prohibition Act are not *prima facie* satisfied against them. Continuing the prosecution against them would be an abuse of the process of law.

18. Turning to the case of Petitioner No. 3 (Ashish), the factual and legal scenerio changes significantly. The complainant has leveled direct, specific, and particularized allegations against him. It is specifically averred that Petitioner No. 3 forced the complainant to resign from her job within a month of marriage due to unwarranted suspicion. It is further alleged that he routinely consumed alcohol, physically assaulted her, and mentally tortured her. When she disclosed him about the alleged sexual harassment by his father, he not only ignored it but actively threatened and intimidated her into silence.

19. The revisionist has sought to counter these allegations by relying heavily on Annexures A/2 (representation to SHO), A/4 (photographs showing cordial relations), A/5 (professional profile showing she didn't quit), A/7 (Section 9 HMA petition), A/8

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(school admission receipts for the daughter), and A/9 (train tickets). The revisionist further alleged character assassination by relying on a prior rent agreement (Annexure A/6).

20. This Court finds that the contentions raised by Petitioner No. 3 are essentially his defense. Whether the photographs depict true marital harmony, whether the Section 9 HMA petition was filed bona fide or as a preemptive legal shield, whether the train tickets indicate his innocence, and whether the complainant actually quit her job as a result of his coercion or out of her own wish/convenience, are all disputed questions of fact. The law is unequivocal that at the stage of framing charge, the Court cannot conduct a mini-trial to adjudicate the evidentiary value of the documents produced by the defense. The allegations leveled by the complainant against her husband regarding physical beating, mental cruelty, and criminal intimidation create a grave suspicion and squarely constitute a prima facie case under the charged sections.

21. The defense of Petitioner No. 3 must be tested on the anvil of cross-examination during the trial. The trial court committed no illegality or perversity in appreciating the material on record *qua* Petitioner No. 3 and framing the charges against him. The

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impugned order, to the extent of Petitioner No. 3, is legally sound and does not warrant any interference in revisional jurisdiction.

22. The final conclusion logically flowing from the detailed factual and legal analysis is twofold. Firstly, the material on record against Petitioner No. 1 and Petitioner No. 2 consists of omnibus, extensive and inherently improbable allegations designed to implicate distant relatives. Permitting the trial to continue against them would result in a grave miscarriage of justice, running contrary to the settled principles laid down by the Hon'ble Supreme Court. They are entitled to be discharged. Secondly, the allegations against Petitioner No. 3 are direct, specific, and supported by the complainant's statements, which prima facie disclose the commission of the alleged offences. The defenses raised by him require the adduction of evidence and cannot be determined in the present revisional proceedings.

23. Accordingly, based on the aforementioned reasoning and findings, this Criminal Revision is **partly allowed**. The impugned order dated 19/02/2026 passed by the Vth Civil Judge, Senior Division, Ratlam in Case No. RCT 3211/2025, arising out of Crime No. 610/2025 of Police Station -Station Road, Ratlam, is hereby set aside *qua* Petitioner No. 1 Asha and Petitioner No. 2 Bhup Narayan.

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Consequently, Petitioner No. 1 and Petitioner No. 2 stand completely discharged from the offences punishable under Sections 74, 85, 351(3), and 3(5) of the BNS, 2023, and Sections 3/4 of the Dowry Prohibition Act, 1961. Their bail bonds, if any, stand discharged.

24. The impugned order dated 19/02/2026 is **upheld** *qua* Petitioner No. 3 (Ashish Anand S/o Bhup Narayan Sha), the trial Court is directed to proceed with the trial against Petitioner No. 3, strictly in accordance with the law, without being influenced by any observations made in this order, which are confined only to the disposal of this revision.

25. Pending Interlocutory Applications (IAs), if any, stand disposed of in light of this final judgment.

26. Let a copy of this Judgment be immediately transmitted to the concerned Trial Court for information and necessary compliance.

**(Jai Kumar Pillai)**
**Judge**

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