



2026:UHC:3366

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>C482/386/2021</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Prabha Naithani, learned counsel for the applicant.</p> <p>2. Mr. Akshay Latwal, A.G.A. for the State.</p> <p>3. Mr. D.C.S. Rawat, learned counsel for respondent no.2.</p> <p>4. Present application under Section 482 Cr.P.C. has been filed for quashing of the chargesheet, cognizance/ summoning order dated 07.08.2020 passed by the learned Chief Judicial Magistrate, Pauri Garhwal in Criminal Case No. 618 of 2020, arising out of offences punishable under Sections 498-A, 323 I.P.C. and Sections 3/4 of the Dowry Prohibition Act, as well as the entire proceedings of the aforesaid case.</p> <p>5. Learned counsel for the applicants would submit that the dispute in question emanates from matrimonial discord between applicant no.1 (husband) and respondent no.2 (wife). It is contended that the marriage between applicant no.1 and respondent no.2 was solemnized in the year 2017, and due to certain matrimonial differences, the respondent no.2 lodged the impugned F.I.R. against all the</p>



			<p>applicants. Upon completion of investigation, the Investigating Officer submitted a chargesheet, on the basis of which the learned trial court has taken cognizance.</p> <p>6. She would further submit that the allegations made in the F.I.R. are false and fabricated in nature; that, applicant no.2 is the younger brother of applicant no.1 and is residing separately in Delhi for the purpose of preparing for competitive examinations; that, applicant no.3 is a married sister living in her matrimonial home; and that, applicant no.4 is the mother of applicant no.1. It is argued that no specific or credible allegations have been made against applicant nos. 2 to 4 with regard to demand of dowry or acts of cruelty; that, the implication of the said applicants is stated to be with an ulterior motive to harass them and settle personal scores.</p> <p>7. It is also contended that the Investigating Officer has submitted the chargesheet in a routine and mechanical manner without proper application of mind; that, continuation of criminal proceedings against applicant nos. 2 to 4 would amount to abuse of the process of law, as there is no material on record to prima facie establish their involvement in the alleged offences.</p> <p>8. Per contra, learned counsel for</p>
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respondent no.2 would submit that the applicants have subjected the complainant to cruelty on account of demand of dowry and have also physically assaulted her and ousted her from her matrimonial home; that, the Investigating Officer, after due investigation, has filed the chargesheet and the learned Magistrate has rightly taken cognizance of the offences.

9. Heard learned counsel for the parties and perused the material available on record.

10. Upon perusal of the F.I.R. and other material on record, this Court finds that the allegations against applicant nos. 2 to 4 are general in nature, without any specific instance of cruelty or demand of dowry attributed to them. The Hon'ble Supreme Court in catena of decisions, including *Geeta Mehrotra vs. State of U.P.* and *Kahkashan Kausar @ Sonam vs. State of Bihar*, has held that in matrimonial disputes, the tendency to implicate all family members without specific allegations must be discouraged, and in the absence of specific role attributed to the relatives, continuation of proceedings against them would amount to abuse of process of law.

11. In view of the aforesaid legal position and considering the facts of the present case, this Court is of the opinion that no prima facie case is



			<p>made out against applicant nos. 2 to 4.</p> <p>12. Accordingly, the chargesheet, cognizance/summoning order dated 07.08.2020 passed by the learned Chief Judicial Magistrate, Pauri Garhwal in Criminal Case No. 618 of 2020, as well as the entire proceedings of the said case, are hereby quashed <i>qua</i> applicant nos. 2 to 4. However, insofar as applicant no.1 (husband) is concerned, this Court finds that specific allegations have been made against him, and therefore, the proceedings against him shall continue in accordance with law.</p> <p>12. The application under Section 482 Cr.P.C. is accordingly disposed of.</p> <p>13. Pending applications, if any, shall also stand disposed of.</p> <p style="text-align: right;">(Alok Mahra, J.) 04.05.2026</p>
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