

(2025) 11 GUJ CK 1859
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Quashing & Set Aside Fir/Order) No. 13136 Of 2021

Mohanbhai Valabhai Parmar & Anr

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision : 21-11-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 114, 323, 498(A), 504, 506(2)

Citation : (2025) 11 GUJ CK 1859

Hon'ble Judges : Vimal K. Vyas, J

Bench : Single Bench

Advocate : Paresh H Vaghela, Sandip M Patel, Avani V Patel, Krina P.Calla

Final Decision : Allowed

Judgement

Vimal K. Vyas, J

1. By way of preferring the present application under Section 482 of the Code of Criminal Procedure, 1973, the applicants-accused, who are the uncle-in-law and brother-in-law of the complainant, seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report being CR No.11203030210612 of 2021 lodged before the Keshod Police Station, Junagadh, for the offences punishable under Sections 498A, 323, 504, 506(2) and 114 of the Indian Penal Code.

2. Heard learned advocate Mr.Paresh H.Vaghela appearing for the applicants-accused, learned advocate Ms.Avani V.Patel appearing for the respondent no.2 – original complainant and learned APP Ms.Krina P.Calla appearing for the respondent no.1 – State.

3. Learned advocate Mr.Vaghela appearing for the present applicants-accused has submitted that the FIR lodged by the victim/complainant is palpably false. There is not an iota of evidence to implicate the present applicants-accused

herein with the alleged offence. He has further submitted that the victim/complainant has made general allegations against the applicants-accused, and no specific role has been attributed to the present applicants-accused. The impugned FIR, even if it is taken at its face value, could not even establish the offence as alleged in the FIR.

4. Learned advocate Mr.Vaghela has further submitted that the accused-husband and the complainant-wife have resolved their dispute and they both are residing together and now there is no discord amongst them. Learned advocate Mr.Vaghela has, therefore, urged that considering the above, the present application may be allowed and the impugned FIR may be quashed and set-aside qua the present applicants-accused.

5. Learned APP Ms.Krina P.Calla appearing for the respondent – State has vehemently opposed the present application and has submitted that having regard to the gravamen and seriousness of the offence committed by the applicants-accused, the present application may not be entertained and the same may be rejected.

6. Learned advocate Ms.Avani Patel appearing for the victim/ complainant, while strongly opposing the present application, has submitted that appropriate orders may be passed.

7. On plain reading of the FIR, it appears that the applicants-accused, who are the uncle-in-law and brother-in-law of the victim/complainant, are residing separately. It reflects from the FIR that the present complaint seems to have been filed by the complainant to exert pressure on the applicants-accused since no settlement has been arrived at regarding the matrimonial dispute between the complainant and her husband. It further appears from the FIR that the allegations made by the complainant in the FIR are general in nature and no specific role has been attributed to any of the applicants-accused. It further appears from the materials on record that the accused-husband has also withdrawn the divorce petition filed in the court of learned Principal Senior Civil Judge, Keshod, vide order dated 09.03.2024 passed below application Exh.1 in H.M.P. No.29 of 2023. Therefore, it appears that the dispute between the accused-husband and the complainant-wife has been resolved and they are residing together.

8. Having heard learned advocates appearing for the respective parties and having considered the arguments canvassed by them as well as taking into consideration the averments made in the application, this Court is of the opinion that there is hardly any likelihood of the applicants-accused being convicted on the face of such FIR. Thus, it appears that continuing further with the proceedings pursuant to the impugned FIR would be a futile exercise and the same would amount to abuse of process of law. Further, the same would put the parties to unnecessary harassment/ hardships. Therefore, this Court is of the considered opinion that the matter requires consideration. Hence, to secure the

ends of justice, the impugned FIR is required to be quashed and set-aside in exercise of the powers conferred under Section 482 of the Code of Criminal Procedure.

9. This Court has also gone through the recent pronouncement of the Supreme Court in the case of Shobhit Kumar Mittal vs. State of Uttar Pradesh and another, reported in 2025 INSC 1152, wherein the Supreme Court has, in paragraphs-22 and 23, observed thus :

"22. Furthermore, at this juncture, we find it appropriate to quote the observations of this Court in Dara Lakshmi Narayana vs. State of Bihar, (2025) 3 SCC 735 wherein it was observed:

"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. We say so for the reason that while the complainant/respondent No.2 has made vague and omnibus allegations against the accused/appellant herein, she has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

30. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise Page 22 of 26 in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any

criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.”

23. In the aforementioned facts of the case and keeping the judicial dicta rendered by this Court in mind, we find that the impugned order dated 27.02.2024 of the High Court ought to be set aside and is set aside. Consequently, FIR No.347 of 2023 dated 09.11.2023 lodged at Police Station Civil Lines, Meerut and all consequent proceedings initiated pursuant thereto stand quashed, only qua the accused/appellant herein.”

10. In the result, the application is allowed. The First Information Report being CR No.11203030210612 of 2021 lodged before the Keshod Police Station, Junagadh, for the offences punishable under Sections 498A, 323, 504, 506(2) and 114 of the Indian Penal Code, is hereby ordered to be quashed and set-aside qua the present applicants-accused. All other consequential proceedings arising pursuant thereto are also quashed and set-aside.

11. Rule made absolute. Direct service is permitted.