

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(ARISING OUT OF SLP (CRL.) NO. 516 OF 2023)

RAHUL BAGHEL & ORS.

...APPELLANTS

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

...RESPONDENTS

O R D E R

1. Leave granted.
2. This appeal filed by the appellants challenges the order dated 08.09.2022 passed by the High Court of Judicature at Allahabad by which the High Court refused to quash the criminal proceedings under Sections 498A, 323, 504, 506 of Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 3/4 of Dowry Prohibition Act, 1961 (hereinafter referred to as "Dowry Prohibition Act") pending against the appellants in FTC, Court No.1, Ghaziabad, as Complaint Case No.5510 of 2019.
3. The brief facts leading to this appeal are that, on 23.09.2013 complainant-respondent No.2 i.e., Shalini Singh, who is the wife of appellant No.1 and daughter-in-law of appellant No.2 and appellant No.3, files an FIR against appellants under Sections

498A, 504, 506 of IPC and under the provisions of the Dowry Prohibition Act, alleging harassment and demand of dowry on part of the appellants. After investigating the matter, police finally filed its final report on 06.09.2014, before the concerned Court. This final report was challenged by respondent No.2 in a protest petition in the year 2019 and Trial Court vide order dated 25.01.2021 accepted the protest petition of respondent No.2 and registered the same as complaint case being Complaint Case No.5510 of 2019. Further, the trial court vide order dated 06.06.2022 issued summons against appellants calling them to face trial under Sections 498A, 323, 504, 506 of IPC and under Section 3/4 of Dowry Prohibition Act. Thereafter, the appellants approached the High Court seeking to quash the entire criminal proceedings pending against them in the present matter. However, the High Court vide the impugned order declined to invoke its power under Section 482 of Criminal Procedure Code, 1973 (hereinafter referred to as "CrPC") and dismissed the quashing petition of the appellants. Now, aggrieved by the impugned order of the High Court, Appellants are before us seeking the same relief as sought before the Allahabad High Court.

4. We have heard both sides and perused the material before us. The

allegations against the appellants are that the Appellants demanded Rs.10 lakhs in cash and a Honda City Car as dowry from the complainant and on non-fulfilment of dowry demand, the complainant (respondent No.2) was allegedly abused, beaten and threatened by the appellants. Further, the complainant also raised allegations of unnatural sex against her husband (appellant No.1) and allegations of molestation against her father-in-law (appellant No.2).

5. The marriage between appellant No.1 and the complainant/respondent No.2 witnessed turbulences since the beginning. Divorce proceedings between the husband and wife are presently pending before the High Court of judicature at Allahabad.
6. The marriage of appellant No.1 (Rahul Baghel) and complainant-respondent No.2 (Shalini Singh) was solemnized on 05.12.2012. There is no child out of the wedlock. According to the appellants, the complainant left her matrimonial home just a month after her

marriage and went to live with her brother-in-law, one named Vikas Verma. In this regard, in January 2013, appellant No.1 had also filed a complaint against Vikas Verma under Sections 498 and 506 of IPC and police have filed a chargesheet against Vikas Verma in that case and trial is pending before CJM Court at the evidence stage as Case No.-35896 of 2013.

7. Later, in Sept 2013 with a delay of around 9 months, the Complainant initiated criminal proceedings against the appellants by filing an FIR. After seeking legal opinion from the Joint Director (Prosecution), Ghaziabad, the investigation was put to an end by filing a final report before the trial court with the findings that the complainant had resided in the matrimonial home only for 15 days before leaving the matrimonial home with her brother-in-law and there is no case made out against the appellants. This closure report dated 06.09.2014 was challenged by the complainant through a protest petition filed in the year 2019, i.e. after an inordinate delay of about 5 years.

8. Surprisingly, the trial court accepted the protest petition of respondent No.2 without going into the questions of delay and lapses on the part of respondent No.2.
9. It is a well-settled position of law that mere delay in filing FIR/Complaint is not fatal to prosecution's case but unexplained inordinate delay coupled with other facts and circumstances corrodes credibility of the prosecution story [**See: State of Rajasthan v. Bhanwar Singh (2004) 13 SCC 147**]¹. In our opinion, the delay in lodging FIR and then the inordinate delay in filing the protest petition against the final report raise doubt about the truthfulness of the allegations and moreover, allegations against appellants are exaggerated and vague in nature. The fact that the wife/complainant stayed in her matrimonial home for barely a month has also to be kept in mind.
10. We see no useful purpose in the continuation of the criminal proceeding, whereas the root of it lies in matrimonial discord. The allegations are also extremely generalized in nature. Continuation

1 See para 6.

of these proceedings would amount to nothing but an abuse of the process of law.

11. It is true that criminal complainants/FIR should be quashed only in exceptional cases but in appropriate facts and circumstances of any particular case, like the present one, law empowers courts to quash criminal cases in order to prevent the abuse of the process of the court. This Court in ***Hasmukhlal D. Vora And Another v. State of Tamil Nadu (2022) 15 SCC 164*** while quashing a criminal proceedings observed that:

“.....While it is true that the quashing of a criminal complaint must be done only in the rarest of rare cases, it is still the duty of the High Court to look into each and every case with great detail to prevent miscarriage of justice. The law is a sacrosanct entity that exists to serve the ends of justice, and the courts, as protectors of the law and servants of the law, must always ensure that frivolous cases do not pervert the sacrosanct nature of the law.” (para 27)

While quashing a criminal case under Section 498A of IPC after discussing precedents and raising concerns over misuse of Section 498A of IPC, this Court in ***Kahkashan Kausar v. State of Bihar (2022) 6 SCC 599*** noted as follows:

*“.....It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law.....”
(para 17)*

12. Taking the note of omnibus allegations made by the complainant and considering the totality of facts and circumstances of the case in hand, we are of the opinion that the trial court erred in accepting the protest petition and registering the same as a complaint case on the basis of the statements of interested witnesses. This is the case where the High Court ought to have exercised its power under Section 482 of CrPC and should have quashed the criminal proceedings in the present matter pending against the appellants. However, the High Court erroneously failed to use its inherent powers.

13. In view of the reasons stated above, we allow the appeal of the appellants and set aside the order of the High Court dated 08.09.2022. Consequently, the Complaint Case No.5510 of 2019 against the appellants pending before the FTC, Court No.1,

Ghaziabad and consequential orders of trial court including the orders dated 25.01.2021 and 06.06.2022 shall stand quashed.

14. Pending applications, if any, shall stand disposed of.

.....**J.**
(SUDHANSHU DHULIA)

.....**J.**
(PRASANNA B. VARALE)

New Delhi
March 5, 2024.

ITEM NO.27

COURT NO.17

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.516/2023

(Arising out of impugned final judgment and order dated 08-09-2022 in A482 No. 23586/2022 passed by the High Court of Judicature at Allahabad)

RAHUL BAGHEL & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 05-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s) Mr. Saroj Kumar Singh, Adv.
Mr. Silpa Saini, Adv.
Mr. Rajeev Kumar Gupta, Adv.
Mr. Baldev Singh, Adv.
Mr. Tavleen Singh, Adv.
Ms. Vallabhi Shukla, Adv.
Mr. Joginder Mann, Adv.
Mr. Divyansh Thakur, Adv.
Mr. Bimlesh Kumar Singh, AOR
Mr. Santosh Kumar Yadav, Adv.
Mr. Kanwal Chaudhary, Adv.
Mr. Neeraj Agarwal, Adv.
Ms. Niharika, Adv.

For Respondent(s) Mr. Rajat Singh, AOR
Mr. Sanjay Jain, Adv.
Mr. Sarthak Chandra, Adv.
Mr. Arun Pratap Singh Rajawat, Adv.

Dr. Sushil Balwada, AOR
Mr. Ajit Kumar Thakur, Adv.
Mr. Ram Nath, Adv.
Ms. Kalpana Kumari, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order and order of the High Court dated 08.09.2022 is set aside.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on file)