



2025:DHC:6547



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 14th May, 2025

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Pronounced on: 05th August, 2025

+ **CRL.M.C. 1889/2017, CRL.M.A. 7727/2017, CRL.M.A. 16635/2017,**
CRL.M.A. 13971/2021 & CRL.M.A. 15250/2021

1. RAJAN BHATIA

Sh. Rajan Bhatia,
S/o Late Sh. R.K.Bhatia,
R/o D-149, Sarita Vihar,
New Delhi.

2. SMT. KRISHNA BHATIA,

W/o Sh. Rajan Bhatia,
R/o D-149, Sarita Vihar,
New Delhi.

3. SH. SAURAV BHATIA,

S/o Sh. Rajan Bhatia,
R/o 36, Sturdee Road,
30-15 Kerrisdale,
Singapore-207855.

.....Petitioners

Through: P-2 in person

versus

1. GOVT OF NCT OF DELHI

Through Police Station
Rajouri Garden,
New Delhi.

2. SHHANYA MADAN BHATIA

D/o Late Sh. Amrik Singh Madan,
R/o WZ-106/125, 1st Floor,
Rajouri Garden Extension,
New Delhi.



2025:DHC:6547



.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State with SI Vikar, P.S. Rajouri
Garden
Mr. Prashant Mendiratta,
Ms. Somyashree, Ms. Neha Jain,
Ms. Veenu Singh and Mr. Taarak
Duggal, Advocates for R-2

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CRL.M.C. 3019/2021 & CRL.M.A. 14475/2022

1. **RAJAN BHATIA**
S/o Late Sh. R.K.Bhatia,
R/o 2921, Ferrara Tower,
Mahagun Mezzaria,
Sector-78, Noida,
U.P.-201301
2. **SMT. KRISHNA BHATIA,**
W/o Sh. Rajan Bhatia,
R/o 2921, Ferrara Tower,
Mahagun Mezzaria,
New Delhi.

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Duggal, Advocates for R-2

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Section 482 Cr.P.C. has been filed for quashing of the FIR No. 0936/2016 dated 27.12.2016 under Sections 498A/406/34 IPC registered at P.S. Rajouri Garden.
2. *Briefly stated*, Petitioner No. 1/Rajan Bhatia and Petitioner No. 2/Krishna Bhatia are the parents-in-law and Petitioner No. 3/Saurav Bhatia is the Husband of the Complainant/Shannya Madan Bhatia/Respondent No. 2. The Respondent No. 2 got married to Petitioner No. 3 on 13.12.2002 according to Hindu customs and rites. Sourav Bhatia was pursuing his MBA in Singapore and Respondent No. 2 his wife joined him in Singapore on 10.10.2003, i.e. after about ten months. Since then, they have been residing together in Singapore. A Son was born from their wedlock on 11.02.2005, who has been brought up in Singapore. Since 07.10.2005 till 18.06.2014, Petitioner No. 3 got a permanent job in City Bank, Singapore.
3. Respondent No. 2 came back to India for delivery of the child in August, 2004 and went back to Singapore on 07.10.2005, when the child was about 08 months old and since then they have been staying in



Singapore. Both Petitioner No. 3 and Respondent No. 2 acquired a *Permanent Residency* in 2005 and 2006, respectively.

4. It is submitted that the Petitioner No. 3 on 10.10.2003, while they were staying in Singapore on their matrimonial home at West Coast Park at Kentish Lodge, Singapore, they shifted to another accommodation at Melville Park, Semei Street 1, Singapore from June, 2011 and thereafter, shifted to 30, Sturdee Road, 20-05, Kerrisdale, Singapore. These facts have been narrated by Respondent No. 2 in her Guardianship Petition as well as in FIR that *her matrimonial home is in Singapore*.

5. It is further detailed that the child started attending Halifax Montessori in 2007 and thereafter, joined NPS International School, Singapore in the year 2014. They also bought an Apartment on 08.06.2011 in Singapore in the joint name, which again establishes that their matrimonial home is in Singapore.

6. The Petitioners have submitted that on 24.04.2014, a fight was initiated by the Respondent No. 2 in Singapore and Petitioner No. 3/Husband was constrained to call the Cops and he moved to a separate rented accommodation along with his bag and baggage in Singapore, on 26.04.2014. Aggrieved by the cruel and torturous acts of the Respondent No. 2, he instituted a *Suit for Divorce and for custody of the child in Family Court, Singapore*. The Respondent No. 2 was duly served with the Notice of the Petition on 28.05.2014 by the Court Bailiff, in Singapore itself.

7. The father of Respondent No. 2 expired on 17.06.2014 and on the pretext of attending funeral of her father; Respondent No. 2 came back to India on 18.06.2014 by giving an undertaking to Petitioner No. 3 that she shall bring back the child to the jurisdiction of Singapore within a month's



time. Since the Divorce-cum-Custody Petition was pending in Singapore Court and the Passport of the minor child was with the Counsel for the Petitioner No. 3, an *Undertaking* was given by the Respondent No. 2 at the instance of Indian Embassy, Singapore. *In the meantime, Respondent No. 2 engaged a Solicitor Firm and duly acquiesced to the proceedings in Singapore Court.*

8. The Respondent No. 2, however, breached her Undertaking and after coming to India, filed a false and frivolous *FIR No. 0160/2014 under Sections 354/506/509 IPC against the Petitioners, at Dehradun. She also instituted a Custody Petition under Section 26 of Hindu Marriage Act, 1955 before the Family Court, Dehradun on 28.06.2014.*

9. In the meanwhile, Singapore Family Court passed an interim judgment dated 30.07.2014 for dissolving the marriage between the Petitioner No. 3 and Respondent No. 2.

10. Also, in India, Dehradun Police completed the investigations in the *FIR No. 0160/2014 and filed a Cancellation Report dated 31.07.2014* wherein after the investigations, it was concluded that this Complaint had been filed by the Respondent No. 2 after the Divorce proceedings were initiated in Singapore and no part of the Offence was committed in Dehradun. It was further noted that from the evidence and the statement of the Complainant under Section 164 Cr.P.C., no offence under Sections 354/506/509 IPC was made out, even remotely. Furthermore, the Petitioners No. 1 and 2 being the in-laws of Respondent No. 2 never visited Singapore and also never stayed with her and she had no relations with her in-laws. *The Cancellation Report dated 31.07.2014 was thus, submitted in the case.*



11. The Respondent No. 2 dissatisfied with the Cancellation Report, preferred a Representation to Senior Police Officials. An ***Order of re-investigation*** was made and a new IO Jeevan Singh Rawat was appointed. However, he also after conducting the Investigations since the inception of the case came to the conclusion that ***Cancellation Report was correct*** and no Offence was disclosed against the Petitioners. It was also noted that Respondent No. 2 had filed a false case of Rape against her husband and in-laws. Basically, it was a Civil Case of divorce in Singapore, which has been given a criminal color in Dehradun.

12. In the meantime, Singapore Family Court passed an order dated 06.11.2014 directing the Respondent No. 2 to return the child back to the jurisdiction of Singapore i.e. his habitual residence. ***The final judgment of divorce was made on 09.04.2015 by Family Court, Singapore.***

13. It is further submitted that not having got any favorable Orders in FIR No. 0160/2014 in Dehradun, she with a *mala fide* intent, filed a false and frivolous *Criminal Complaint on 20.03.2016 with the SHO, Rajouri Garden essentially on similar allegations as in the Complaint filed before the Dehradun Police.* She further made allegations in regard to kidnapping of the child.

14. ***The Complaint was investigated and a Closure Report dated 21.04.2016 was filed by the IO.*** He noted that allegations leveled by Respondent No. 2 could not be substantiated during the enquiry. Insofar as the custody of the child was concerned, she could take legal recourse. No evidence was found to substantiate the allegations for the Offences punishable under Sections 406/420/498A/506/325/375/377/34 IPC and the Complaint was accordingly closed.



15. The Respondent No. 2 did not stop there and filed the ***third Complaint*** dated 08.04.2016 before Crime Against Women Cell, Nanakpura against all the Petitioners under the same Sections i.e. 406/420/498A/506/325/376/34 IPC. *The third Complaint was identical to the second Complaint that was filed at P.S. Rajouri Garden.*

16. In the meanwhile, the IO sent a request for seeking *Legal opinion from Assistant Public Prosecutor and Chief Public Prosecutor at Dwarka.* Both the Prosecutors gave separate legal Opinions dated 13.07.2016 and 20.07.2016 respectively, *wherein it was opined that no Cognizable Offence was made out under Sections 498A/406 IPC.* Further, the Public Prosecutor, South-West District, Dwarka while observing that no Offence was made out, also noted that no incident happened in India for an Offence under Section 498A IPC and thus, was not within the jurisdiction of Delhi. Moreover, there were no specific allegations in regard to the Offence punishable under Section 406 IPC and therefore, no Offence was made out.

17. In the light of these legal Opinions from two Authorities, the ***Complaint filed before CAW Cell, Nanakpura was closed on 11.08.2016.*** The information about this Closure Report was provided to Respondent No. 2 under her RTI Application.

18. This matter was again referred back by the Respondent No.2 on 22.04.2016, after getting a letter addressed from Smt. Maneka Sanjay Gandhi, Hon'ble Minister of Women and Child Development, stating that an action ought to be initiated against the Petitioners No. 1 and 2 who are available in Delhi, to bring back the Child. On this letter, Commissioner of Police sought a report from Joint Commissioner of Police, South-West



range. An enquiry was also ordered by the Commissioner of Police, Delhi which was duly conducted by DCP as well as ACP, West District.

19. *Two separate Reports* were prepared by ACP and DCP, Rajouri Garden wherein it was again submitted that the allegations leveled by the Respondent No. 2 in regard to cruelty by in-laws and custody of the child, have been investigated by different Agencies and is pending in different Courts. It would not be appropriate to initiate any further action in this matter and no Police action was required.

20. Relentless, the ***Respondent No. 2 filed a fifth Complaint dated 03.10.2016 against the Petitioners, with CAW Cell, Kirti Nagar.*** On the basis of which the present FIR No. 0936/2016 dated 27.10.2016 under Sections 498A/406/34 IPC was registered and even the Chargesheet has been filed on 27.11.2020 before the learned Trial Court.

21. The Petitioners No. 1 and 2 were placed in Column No. 12 of FIR despite which, all the Petitioners were summoned by the learned Trial Court *vide* Order dated 08.04.2021.

22. *By way of the aforesaid two Petitions, quashing of the FIR as well as the Summoning Order has been sought.*

23. *The grounds* are that the Respondent No. 2 did not intentionally disclose true facts to Kirti Nagar Women Cell as well as to the P.S. Rajouri Garden. She intentionally concealed filing of one FIR and three Complaints in which similar/identical averments were made and in all those Complaints after due investigations, Closure Reports have been filed.

24. It is further submitted that the present FIR tantamount to a second FIR arising from the same set of transactions, which have already been



investigated into by the Appropriate authorities on various occasions, which is not permissible.

25. In this regards reliance is placed on *T.T. Anthony vs. State of Kerala*, 2001 (6) SCC 181, wherein it was held that the registration of a second FIR, which is not a cross case, is violative of Article 21 of the Constitution. The *ratio decidendi* of the aforesaid judgment is squarely applicable to the facts of the present case inasmuch as the the FIR registered at Dehradun and in the subsequent Complaint filed in Delhi (*which ended in Closure*), is nothing but an abuse of process and it is fit case for quashing of FIR exercising power under Section 482 Cr.P.C.

26. It is further contended that the present FIR was a counterblast to the Divorce Decree and the Custody Order passed by the Family Court, Singapore as the Petitioner No. 3 and the Respondent No. 2 were domiciled in Singapore for about last 11 years and were also having permanent residency of Singapore. These facts about the Divorce and the Custody Orders of Singapore Court, have not been intentionally disclosed in any of the Complaints.

27. It is further asserted that the Complaint contains *vague allegations and does not disclose any Offence even if those allegations are assumed to be true and correct.*

28. Furthermore, no part of alleged offences was ever committed in Delhi and thus, *the FIR was without jurisdiction* as per Section 188 Cr.P.C. It is submitted that the Respondent No. 2 in her FIR has admitted that the matrimonial home of the parties was in Singapore and all the alleged acts were committed by the parties while in a domestic relationship in Singapore.



No part of the said offences was committed in India and, therefore, the FIR is also liable to be quashed as being without any territorial jurisdiction.

29. It is submitted that the detailed circumstances clearly substantiate that the **present proceedings are *mala fide*** having been maliciously instituted by Respondent No. 2 when the Petitioners have already been exonerated and findings in this regard have been given by three different Police Stations that the Criminal Complaints do not disclose any offence. ***Thereafter, the registration of the present FIR No. 0936/2016 is nothing but an abuse of process of the Court and is liable to be quashed.***

30. Reliance has been placed on *State of Haryana vs. Bhajan Lal*, 1992 Supplementary I SCC 335 wherein it has been held that the powers under Section 482 Cr.P.C. must be exercised by the High Court to either prevent the abuse of process of the Court or to otherwise secure the ends of the Justice.

31. Reliance has also been placed on *State of Karnataka vs. M. Devenderappa and Another*, I (2002) SLT 248 and on *Anand Kumar Mohatta and Ors. vs. State (Govt. of NCT of Delhi) Department of Home and Ors.*, AIR 2019 SC 210, wherein similar observations have been made.

32. *It is, therefore, submitted that the present FIR and all the proceedings emanating therefrom including the Summoning Order dated 08.04.2021 are liable to be quashed.*

33. ***The Status Report*** has been filed on behalf of the State wherein the details as mentioned in the Chargesheet, are reiterated. It is further submitted that FIR No. 160/2014 registered at Dehradun was closed by the Dehradun Police on the ground that the Complainant has not resided in Dehradun and no part of Offence was committed there.



34. In the subsequent Complaints, Respondent No. 2 has claimed that she had got married in India and does not agree with the Orders of Singapore Court. Insofar as the custody of minor son is concerned, he was produced before Child Welfare Committee, Kalkaji wherein he gave a statement that he wanted to stay with his father. His statement was recorded and it was directed that it would be appropriate for a Child to continue to be with his father.

35. The present FIR was registered on the Complaint of Respondent No. 2, wherein She has alleged that Divorce proceedings conducted at Singapore Court were one-sided and are not maintainable as per Hindu Marriage Act, 1955. She, along with her son, had come to India on 18.06.2014 on account of demise of her father, with a few clothes and return Tickets. It is further submitted that the investigations are still pending as the husband of the Complainant is residing in Singapore and not joining the Investigations.

36. The **Respondent No. 2 in her Reply** has submitted that the marriage negotiations commenced in the year 2001 and they got married according to Hindu customs and rites on 13.12.2002. After their marriage, they stayed in Delhi for a brief period and thereafter, they have been residing together in Singapore since 10.10.2003. She has stated that since the day of marriage, Petitioners have been bothering her with dowry demands; sometimes it being for a luxury car and sometimes for cash and jewelry, but she kept on hoping that things would settle with passage of time. Moreover, they made the demand of her parental home being given to them and also retained her *stridhan*, which has not been returned till date.



37. She has alleged that at the time of her marriage, she was working. The Petitioner No. 3 intending to go abroad for further studies left Respondent No. 2 behind about which he never disclosed anything to her.

38. She further stated that when she was expecting their Child, she came to India as it was difficult for her to manage all alone in a foreign country for which the Petitioners created a big issue. The Child was born on 11.02.2005 in Ganga Ram Hospital, Delhi but the Petitioners failed to take care of her during her pregnancy and after the delivery of the Child.

39. She, along with the Child, went back to Singapore on 07.10.2005 when the Child was 08 months old. *She claimed that Petitioners used to cause physical and mental harassment to her all the time irrespective of the place where she stayed.*

40. In 2014, the Petitioner No. 3 used to give regular beatings to her. On account of demise of her father, she had to come back to India suddenly but he refused to give the passport of herself and their Child, which she was able to get only after the intervention of Indian Embassy at Singapore.

41. She started staying in India and got the Child admitted in school in Delhi. However, Petitioners conspired with some of the officials of Child Welfare Committee and illegally took away the custody of the Child out of the jurisdiction of the Courts in India.

42. The Respondent No. 2 filed various Complaints before CAW Cell but every time, the Petitioners were able to manage everything by using their influence. She has claimed that the Petitioners are trying to avoid the trial by making false assertions, which cannot be permitted under law. She has been a victim of harassment and abuse for the redressal of which, she filed the various Complaints but unfortunately, no action has been taken.



43. It is asserted that the marriage of the parties took place in India and the Child was born in India and many a times, they stayed together in Delhi. Therefore, Delhi Courts have jurisdiction. The parties may have stayed at Singapore but that does not take away the jurisdiction of Delhi Courts where the marriage took place and the parties resided together on different intervals. The insistence of the Petitioners that the matrimonial home was in Singapore, appears to be based on some misconception of them. The Courts in Singapore do not have jurisdiction to try the present FIR, as has also been observed by a Competent Court at Delhi. The proceedings at Singapore do not have any relevance to the present proceedings as they do not relate to the atrocities committed by the Petitioners, in India or in Singapore, in any way.

44. The Respondent No. 2 has further contended that the Complaint made under Sections 354/509 IPC at P.S. Dehradun has got nothing to do with the present FIR. The Closure Report submitted by the Police after investigations in the said FIR, is of no relevance to the present proceedings.

45. *It is, therefore, submitted that the present Petition is without merits and is liable to be dismissed.*

46. **Written Submissions have been filed on behalf of the Petitioners as well as the Respondent No. 2,** who have essentially raised the same arguments as have been detailed in the Petition.

Submissions heard and record as well as Written Submissions perused.

47. The Respondent No. 2 has stated in her Complaint, (on which FIR No. 0160/2014 was registered under Sections 354/506/509 IPC at P.S. Dehradun), that she had got married to Petitioner No.3 on 07.12.2002 at a temple in Dehradun. Similar facts of the marriage having been performed in Dehradun finds mention in the second Complaint as well. Though in the



third Complaint dated 08.04.2016, it is asserted that after the marriage took place on 07.12.2002 in a temple, the marriage function was organized by her parents on 13.12.2002 at Dhaula Kuan, Delhi. *It is the averments of the Complainant herself that she got married in Dehradun.*

48. It is further her own assertion that the Petitioner No. 3, her husband, was doing his MBA in Singapore and she joined him in Singapore on 10.10.2003, i.e. after ten months of their marriage and they both resided there, which was her matrimonial Home. Further, when she got pregnant, she came to India for her delivery in August, 2004. The child was born on 11.02.2005. Thereafter, she along with the child, returned to Singapore on 07.10.2005, i.e. after about ten months. Since then, she had been residing with Petitioner No. 3 in different Apartments in Singapore.

49. However, their marriage came under the turbulent weather in 2014, when the Petitioner No. 3 initiated Divorce-cum-Custody proceedings against her in the Family Court, Singapore. The Respondent No. 2 on account of demise of her father on 17.06.2014 came back to India on 18.06.2014 but she got the Passport of herself and the child with the intervention of Indian Embassy, Singapore where she gave an Undertaking that she would return back to Singapore. However, after coming to India, she did not return.

50. Instead, she filed her first Complaint dated 04.05.2014 before P.S. Dehradun *making allegations of dowry demand and of harassment against all the three Petitioners.* However, after due investigations, the Closure Report was filed in this matter, which was also accepted by the Court.



51. Undeterred, she on similar allegations filed her *second Complaint dated 20.03.2016 before SHO, Rajouri Garden, which, however*, also met the same and the Police after conducting investigations, closed it.

52. This did not stop her from filing an identical Complaint dated 08.04.2016 before CAW Cell, Moti Bagh. This time, opinion was taken by the Investigating Agency from Assistant Public Prosecutor as well as Chief Public Prosecutor and in the light of the facts alleged in the Complaint, the Complaint was closed.

53. Thereafter, she approached the Minister of Women and Child Development and got her recommendation *vide* Letter dated 22.04.2016 addressed to Commissioner of Police. The investigations were directed to be again conducted again and after due investigations, it met with the same fate.

54. Unsuccessfully pursuing the same Complaint four times, she filed her *fifth Complaint dated 07.10.2016 before CAW Cell, Kirti Nagar, New Delhi* wherein similar allegations as made in the earlier four Complaints, were made. This time, she succeeded in getting the FIR No. 0936/2016 under Sections 498A/406/34 IPC dated 27.12.2016, registered at P.S. Rajouri Garden.

55. *The question is whether in this background, the present FIR and the consequent proceedings are liable to be quashed.*

56. *The first preliminary objection* taken is that on behalf of Respondent No.2 that since the Chargesheet has already been filed and the Petitioners have been summoned *vide* Order dated 08.04.2021, the present Petition for quashing of FIR is not maintainable.



57. The *Preliminary issue* which thus needs to be considered is: *Whether the Petitioners can seek quashing of Chargesheet under Section 482 Cr.P.C., once cognizance has been taken and Petitioners have been summoned by the learned M.M.*

58. This aspect was considered by the Apex Court in *Shailesh bhai Ranchhodbhai Patel & Another vs. State of Gujarat & Ors.*, Criminal Appeal No. 1884/2013, decided on 28.08.2024, where it was categorically held that if upon a reading of the contents of the FIR and the Chargesheet together, the High Court, while exercising jurisdiction under Section 482 Cr.P.C., *is satisfied that no offence is disclosed and that the continuation of such proceedings would amount to an abuse of the process of the Court, then the FIR, even when the Chargesheet stands filed, may be quashed.*

59. The reason for doing so emerges from the observations of the Apex Court in the case of *Joseph Salvaraj A. vs. State of Gujarat*, (2011) 7 SCC 59, wherein it was held that the power to examine whether a prima facie case is made out or not, **still vests with the High Court even after the filing of the Chargesheet.**

60. Similar observations were made in the case of *Mamta Shailesh Chandra vs. State of Uttarakhand*, 2024 SCC OnLine SC 136, *Anand Kumar Mohatta vs. State(NCT of Delhi)*, (2019) 11 SCC 706, *Abhishek vs. State of M.P.*, (2023) 16 SCC 666, where the Apex Court has held that when it comes to the power of the High Court to prevent *the abuse of the process of court or miscarriage of justice*, there is **no bar to exercising such power even when the Chargesheet has already been filed.** In such cases, where no prima facie case is made out or where there are no specific allegations



against the accused, *the continuation of proceedings would amount to a travesty of justice.*

61. *From the aforesaid judgements, it emerges* that the inherent power of the High Court, both in civil and criminal matters, is designed to achieve a salutary public purpose which is *that a Court proceeding ought not to be permitted to be degenerated into a weapon of harassment or prosecution, and his power can be exercised despite filing of Charge Sheet and the Petitioner being summoned.*

62. *Thus, the Petition is maintainable before this Court and the Preliminary Objection in regard to maintainability is without merit.*

63. *The second aspect is what are the circumstances and the parameters which justify invocation of this extra-ordinary jurisdiction.*

64. For proper realization of the object and purpose of the provisions which seek to save the inherent powers of the High Court to do justice between the State and its subjects, *the width and contours of this salient jurisdiction, need not be emphasized.* This power to quash a proceeding is a wholesome power which must be exercised only if the High Court comes to the conclusion that allowing the proceedings to **continue would be an abuse of the process of the Court or that the ends of justice require the proceedings to be quashed.**

65. The necessity of exercising this power, more so in criminal cases, was highlighted by the *three Judge Bench of the Apex Court* in the case of *State of Karnataka vs. L. Muniswamy*, 1977 SCC (Cri) 404 wherein it was observed that in a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution



rests and the like, would justify the High Court in quashing the proceedings in the interest of justice which are much higher than the ends of mere law and justice has got to be administered according to the laws made by the Legislature.

66. The circumstances in which the exercise of inherent power must be exercised to quash the proceedings, were detailed in R.P. Kapur vs. State of Punjab AIR 1960 SC 866 as follows:

- (i) *Where it manifestly appears that **there is a legal bar** against the institution or continuance, example want of sanction;*
- (ii) *Where the allegations in the first information report or complaint taken at its face value and accepted in their entirety **do not constitute the offence alleged;***
- (iii) *Where the allegations constitute an offence but **there is no legal evidence** adduced or the evidence adduced clearly or manifestly fails to prove the charge.*

67. It was further explained that while dealing with the last category, it is important to bear in mind the distinction between a case where there is no *legal evidence* or where *there is evidence which is clearly inconsistent with the accusations made* and a case where there is *legal evidence which, on appreciation, may or may not support the accusations.*

68. While exercising jurisdiction under Article 482 Cr.P.C., the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of its accusation would not be sustained; that is the function of the Trial Court.



69. Similar observations have been made in the case of Nagawwa vs. Veeranna Shivalingappa Konjalgi, (1976) 3 SCC 736.

70. To ascertain the existence of any of these circumstances, i.e. no prima facie case, averments being absurd and inherently improbable or manifestly *mala fide*, the Court owes a duty to look into the FIR with care and a little more closely, as was observed in the case of Mahmood Ali and Ors vs. State of Uttar Pradesh and Ors., (2023) 15 SCC 488. The chances of manipulation of facts once a Complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, were highlighted. It was noted that such an ill motivated Complainant would ensure that the FIR/Complaint is very well drafted with all the necessary ingredients to constitute the alleged offence. *Therefore, it will not be just enough for the Court to look into the averments made in the FIR/Complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence, are disclosed or not. In frivolous and vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments made in the Complaint and if need be, due care and circumspection must be exercised to try to read in between the lines.*

71. To sum up, the ***Twin Test*** for exercising the inherent powers under Section 482 Cr.P.C. are ***either to prevent abuse of the process of any Court*** or otherwise ***to secure the ends of justice***. Further, in the aforementioned judgments, it was reiterated that where the FIR or the Complaint even if taken on the face value and accepted in their entirety, do not prima facie constitute a case against the accused, the quashing of



proceedings would be justified. Only stating cruelty has been committed by the Appellants, would not amount to an offence under Section 498A IPC.

72. *In the light of aforesaid discussion, facts of this case may now be considered to ascertain whether the circumstances justify quashing of FIR registered under Sections 498A/323/504/506 IPC.*

73. *The facts of the case may now be considered to ascertain whether the circumstances justify quashing of the Charge-Sheet.*

74. *The first aspect which emerges is whether second FIR on same allegations, is maintainable.*

75. The Respondent No.2 returned to India in June, 2014 on the demise of her father and even brought the child with her by giving an undertaking that she would be returning to Singapore, as the Divorce cum Custody Suit had already been initiated against her in Singapore, by Petitioner No.3/Husband. On return to India, she filed her first Complaint in Dehradun for registration of FIR, **but a Cancellation Report was filed therein.** This was followed by three similar Complaints in Delhi as detailed above, they all met with the same fate of Investigating Authority concluding that there was no Offence made out on the allegations and the Complaints were closed. It is the ***fifth attempt of the Respondent No. 2***, which got her the success in getting the FIR No. 0936/2016 under Sections 498A/406/34 IPC at P.S. Rajouri Garden, registered.

76. The perusal of the ***five Complaints*** filed by the Respondent No. 2 show that the core allegations in ***all the Complaints were identical*** and every time, the investigations did not find any cognizable offence disclosed in any of the Complaints that the first Complaint at Dehradun, has resulted in registration of FIR and after due investigations, a Closure Report was



filed, which was in fact admitted by the Court. If the Respondent No. 2 was aggrieved by the Closure Report, her remedy was to pursue the same before the learned Trial Court. She cannot try her luck on the same allegations, before different Forums. *Her subsequent three Complaints and the fourth Complaint culminating in the impugned FIR are based on essentially the same allegations.*

77. In the case of T.T. Anthony (supra), it was observed that when FIR is registered under Section 156 Cr.P.C., *prima facie*, disclosing a cognizable offence, the FIR is mandatorily required to be registered. The investigations undertaken by the IO culminates in a report under Section 173(2) Cr.P.C, which may be filing the Charge-sheet or a Closure Report. No fresh FIR is required in case further information comes forth. In that situation, further investigations can be carried out and supplementary Chargesheet filed under Section 173(8) Cr.P.C. ***There is no occasion for second FIR to be registered either on subsequent offence or on the same facts.*** It was further observed that if the gravamen of the charges in the two FIRs, the first and the second, is in substance the same, then registering a second FIR and making fresh investigations and forwarding the report under Section 173 Cr.P.C., would be irregular and no cognizance can be taken by the Court.

78. Likewise, the Apex Court in Amitbhai Anilchandra Shah vs. CBI & Anr., (2013) 6 SCC 348, made similar observations that in case of fresh investigations based on second successive FIR not being a Counter Claim, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of same transaction and in respect of which first FIR is registered in which investigations is underway, a Final Report which has been filed under Section 173(2) Cr.P.C. in the second FIR,



is liable to be interfered by the High Court in exercise of powers under Section 482 Cr.P.C. or under Articles 226/227 Constitution of India.

79. In Prem Chand Singh vs. The State of U.P., MANU/SC/0136/2020, it was held that mere addition of Sections in the subsequent FIR, cannot be considered as different content to justify the second FIR by claiming it to be based on different material, allegation or ground.

80. In Charu Motors Pvt. Ltd. & Anr. vs. Pegasus Computers in CrI. M.C. 2163/2012 and Kotak Mahindra Prime Ltd. & Ors. vs State & Ors. in CrI. M.c. 2324/2012, decided by this Court on 23.12.2021, it was held that where the perusal of both the documents indicate that apart from elaboration of facts, there is no distinction between the second Complaint and the FIR with there being no justification for filing the second Complaint, the subsequent Complaint/FIR is liable to be quashed.

81. Similarly, in Tarak Dash Mukharjee & Ors. vs. State of Uttar Pradesh & Ors. 2022 Live Law (SC) 731, it was held that registration of multiple FIRs resulting in the Accused being entangled in multiple criminal proceedings for the same offence, is gross abuse of process of law. The successive registration of FIRs on the same facts and allegations by the same informant, would not stands the scrutiny of A. 21& A. 22 of Constitution of India.

82. The perusal of the contents of first FIR No. 0160/2014 followed by four other Complaints show that they were ***based on same core allegations***. Once the Closure Report had been filed in the first FIR, there was no occasion in the registration of subsequent FIR on the same allegations.

83. *The FIR No. 0160/2014 along with Charge-Sheet and proceedings therefrom, are liable to be quashed on this ground itself.*



84. The second aspect is whether this second FIR even prima facie discloses the allegations to sustain S.498-A/ S. 406 IPC against the Petitioners, who are the parents-in-law and husband of the Complainant.

85. The Respondent No.2 in her Complaint on which present FIR was registered, had made allegations of being harassed for bringing Rs.50 Lacs, luxury car as well as for transfer of her share in the joint property, in favour of her husband.

86. It is asserted by the Respondent No. 2 that there was tremendous pressure of dowry, property and cash from the Petitioners. From day one, they were making demands of expensive gifts, car, cash and home and had asked her to arrange Rs.50 Lacs to buy an apartment in Singapore and since she was unable to do, she started working and made down payment for the Apartment in Singapore, which is now their matrimonial home and a joint property. The husband wants the house which was bought by them in May, 2011 to be exclusively transferred in his name. There are two other properties Logux Zest and Vatika of which, they are joint owners, which also he wants her to transfer in his name and has no rights as a spouse.

87. These allegations essentially as *inter se* dispute in regard to the joint properties held by the Complainant and her husband in Singapore and in no way are they reflective of any demand on account of dowry nor do they establish any act of cruelty towards her.

88. The *next set* of allegations made by her is that within first year of marriage, she was thrown out of the house because she had not brought any household items or car in dowry. She claimed that they wanted a Honda Civic Car, gold and cash for the MBA of her husband.

89. Again, firstly, it emerges is that in the earlier Complaints that were filed by her, no such allegation was made. Secondly, this Complaint has been filed on



27.12.2016 while she had got married in 2002 and no such allegations were ever before made by her. Pertinently, soon after the marriage, the husband had gone to Singapore and she had followed him in about 10 months. It is clearly evident that these allegations have been made as an afterthought significantly because neither any date, time or the occasion of such demands were made has been stated.

90. The Respondent No. 2 has *further stated* that she had started working in 2006 after her son turned one year old and she contributed to household, down payment for car and purchase of first investment Kentish Green in 2008. The house was sold by the husband, but no cash or savings from that was given to her. She further alleged that husband's family runs a foreign exchange Dusle and as they were in need of cash or gold, they tried to keep her salary DBS account alive so that they could trade. These allegations again, can no way meet the standard of harassment or cruelty as stated in Section 498A IPC.

91. She herself further states that even when they were separated, they contributed for the International Schooling of the son.

92. She further asserted that her entire gold and *stridhan* have not been returned to her which is under the custody of her in laws and husband/Petitioners. They have also refused to return the same and the value of the goods is Rs.30 Lacs. Pertinently, not a single word has been detailed either about the dowry articles or the gold given to her as her *stridhan*. She has claimed that everything is under the control of her in laws and husband.

93. No details whatsoever has been given either of the Articles given in dowry or her jewellery whatsoever except making a bald assertion that the total value is Rs.30 Lacs. It is pertinent to observe that she had left India and joined her husband in Singapore barely after 10 months of marriage, in 2003. This makes it imperative for her to explain that how and what were the dowry articles that were given to her or were entrusted in any manner to the Petitioners. Allegations are not



only vague, but have been designed to somehow bring in a case under the corners of 498A IPC.

94. She further asserted that her son of 10 years old, has been single handedly raised by her since 2014 when she came to India. *She and her belongings* were thrown out from the house. In 2016, the husband duped her by saying that he was in India to work, but took the child away to Singapore.

95. These allegations pertaining to the custody of the child are again not within the scope of Section 498A IPC. In case, there have been matrimonial disputes and the issues have arisen about the custody petition, the appropriate remedy was to file a Custody Petition, which in fact had been filed by the husband in the year 2014 along with the Divorce Petition.

96. She further asserted that her husband had assaulted her sexually from 2011 onwards with drugs and she lost her baby in 2012. Again, these are nothing but bald assertions. No document whatsoever has been placed on record to corroborate that she was being administered drugs or that the loss of baby was on this account.

97. Even if all the allegations as made in the Complaint are admitted, then too it is clearly evident that neither do they fall within the category of harassment or cruelty, which would make it punishable under Section 498A IPC. The allegations are vague and non-specific which have emerged for the first time in this Complaint dated 27.12.2016 and no such allegations were made in all other previous litigations that have been initiated by her.

98. In the case of *Preeti Gupta vs. State of Jharkhand*, (2010) 7 SCC 667 it was observed that it was a matter of common experience that the Complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberation. It was further observed that if filing of the Complaint and its consequences are not visualized properly,



then such Complaints can lead to insurmountable harassment, agony and pain to the accused persons and their close relations.

99. *There is no evidence under Sections 48A/406/34 IPC disclosed in the Complaint on which ground as well, the FIR is liable to be quashed.*

100. *The next aspect that needs to be addressed is in regards to the summoning of the Father-in-law and Mother-in-law of the Complaint especially when they have been put in Column 12 in Chargesheet.*

101. The impugned Order dated 28.01.2021 *vide* which the Petitioner No. 1 & 2 have been summoned fails to disclose any reason for the said summoning and merely records as under:

“On perusal of the copy of chargesheet and other documents i.e. FIR, Seizure memo, Inquiry documents, list of dowry articles, and statement of witnesses U/s 161 Cr.P.C etc, there appears sufficient grounds to proceed against accused Saurav Bhatia, Rajan Bhatia and Krishna Bhatia. Accordingly, cognizance is taken against them U/s 498A, 406 read with Section 34 IPC.”

102. The Supreme Court observed in regard to the importance of careful passing of summoning order in *Pepsi Foods Ltd. and Another v. Special Judicial Magistrate and Others* (1998) 5 SCC 749, that *Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course...*”

103. The necessity of giving reasons while summoning was emphasized in the case of *Rupan Deol Bajaj (Mrs) and Another vs. Kanwar Pal Singh Gill and Another* (1995) 6 SCC 194, wherein it was observed:

*“28. Since at the time of taking cognizance the Court has to exercise its judicial discretion it necessarily follows that if in a given case - as the present one - **the complainant, as***



the person aggrieved, raises objections to the acceptance of a police report which recommends discharge of the accused and seeks to satisfy the Court that a case for taking cognizance was made out, but the Court overrules such objections, it is just and desirable that the reasons therefore be recorded. Necessity to give reasons which disclose proper appreciation of the issues before the Court needs no emphasis. Reasons introduce clarity and minimise chances of arbitrariness. That necessarily means that recording of reasons will not be necessary when the Court accepts such police report without any demur from the complainant..”

...

104. Further, in the case of *G. Saraswathi vs. Rathinammal & Ors.* (2018) 3 SCC 340, it has been held that giving of reasons is an essential part of the Courts adjudicatory process and therefore, reasoning is the harbinger of the order, it has been held that “...*Time and again, this Court has emphasized on the Courts the need to pass reasoned order in every case which must contain the narration of the bare facts of the case of the parties to the !is, the issues arising the case, the submissions urged by the parties, the legal principles applicable to the issues involved and the reasons in support of the findings on all the issues in support of its conclusion.... Such order undoubtedly caused prejudice to the parties because it deprived them to know the reasons as to why one party has won and other has lost.*”

105. The impugned **Summoning Order** fails to disclose any reasons for the Summoning of the Petitioners. The Prosecution had placed the parents-in - law in Column No.12 with the finding that there was no case made out against them. In case the Ld. MM found any reason whatsoever to proceed against them, at least it should have been reflected in the Summoning Order. The Complainant had lived in Singapore for over 10 years before coming



back to Delhi and even then, she had stayed at her Parents house. The Complaint fails to disclose any specific incidents which warrant summoning of the Petitioner No. 1 & 2.

106. The *Last aspect* is whether the filing of this FIR and consequent Charge-Sheet is the abuse of the process of the Court.

107. Pertinently, the Petitioner No. 3 after marriage had shifted to Singapore in the year 2003 and had acquired permanent residency. The Child who was born in the year 2005, was also residing with them and was admitted in regular International School in Singapore. It is unfortunate that their marriage came under the bad weather in 2014 resulting in the parties separating and the *Petitioner No. 3 filing a Divorce-cum-Custody Petition in Family Court, Singapore.*

108. The Respondent No.2 in her Complaint on which present FIR was registered, had made allegations of being harassed for bringing Rs.50 Lacs, luxury car as well as for transfer of her share in the joint property, in favour of her husband. These allegations have arisen only after the Divorce cum Custody Petition got filed against her in Singapore, by Petitioner No. 3. At no point of time ever before was there any Complaint ever made to any Authority. *It is abundantly clear that these allegations have popped up only as a counter to the Divorce proceedings.*

109. The Apex Court while dealing with the components of Section 498A IPC, observed in the case of *Dara Lakshmi Narayana and Others vs. State of Telangana and Another*, 2024 SCC OnLineSC 3682, that if the allegations in the FIR are found to be vague and ambiguous and lack of precise allegations *which are alleged after the Notice of Divorce*, then it may be concluded that the FIR has been lodged as a retaliatory measure



intended to settle the score with the husband and his relatives. In such a situation, the quashing of the FIR is justified.

110. The Complaint has been filed after the initiation of Divorce proceedings, making it imperative to closely consider the Chargesheet and the allegations made therein to ascertain if there is a genuine case or it is a retaliatory action with no offence disclosed from the allegations.

Conclusion:

111. For all the reasons discussed above, it is held that this present case is a classic example of misuse of the statutory provision of Section 498A IPC by the Complainant. It is abundantly evident *that present FIR is an abuse and misuse of the process of the Court*, resorted to by the Complainant to use it as a tool for compelling the Petitioners to relent to her expectations. There are no offences made out on the basis of the averments made in the Complaint. Also, the Summoning Order is not reasoned and is accordingly unsustainable.

Relief:

112. In view of the aforesaid discussion, the Petitions are allowed and the FIR stands quashed along with the Charge-Sheet and all the proceedings emanating therefrom.

113. The Petitions are allowed, and accordingly disposed off along with pending Application(s), if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

AUGUST 05, 2025

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