



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Special Leave Petition (Crl.) No.4485 of 2024

DISHA KAPOOR

PETITIONER

VERSUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

J U D G E M E N T

K. VINOD CHANDRAN, J.

1. A disgruntled wife, is the petitioner in this Special Leave Petition, aggrieved with the invocation of Section 482 of the Code of Criminal Procedure, 1973¹ by the High Court of Allahabad to quash a proceeding initiated by the petitioner under Section 156(3) of the Cr.PC. The second respondent herein who is the husband of the petitioner along with the third and fourth respondents who are his parents, approached the High Court under Section 482, Cr.PC against the summons issued by the Court of

¹ the Cr. PC

Additional Chief Judicial Magistrate, Lucknow in Complaint Case No.9780 of 2022. The allegations levelled by the petitioner in the complaint case were of offences under Section 498A, 325 and 506 of Indian Penal Code, 1860 and Sections 3/4 of Dowry Prohibition Act, 1961. In fact, the petitioner had arrayed ten persons in the complaint; her husband, his parents, two brothers of his father, their wives and three children of three brothers, totalling ten. The Magistrate after perusing the complaint, by the impugned order dated 08.11.2023, noticed many contradictions in the stand of the complainant as coming forth from the complaint and the statements recorded under Section 200 and 202, Cr.PC. It was found that there was no case to summon any of the persons arrayed in the complaint, except, the husband, father-in-law and mother-in-law of the complainant, specifically relying on the judgment in ***Geeta Mehrotra and Anr. v. State of Uttar Pradesh and Anr.***²

2. The learned Single Judge, before whom the petitioner appeared in person, quashed the proceedings initiated

² (2012) 10 SCC 741

relying on ***Preeti Gupta and Anr. V. State of Jharkhand and Anr.***³ which noted with anguish the rapidly increasing matrimonial litigations in the country roping in the close relatives of the husband and even members of the extended family, as in this case, on allegations of harassment. This requires the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent. It was also emphasised that in the event of the proceedings being found to be an abuse of process of Court, then necessarily the power under Section 482, Cr. PC should be invoked to secure the ends of justice.

3. We heard Mr. Ajay Kumar Singh, learned counsel appearing for the petitioner/complainant, Mr. Dinesh Dwivedi, learned Senior Counsel and Mr. Shaurya Sahay, learned counsel appearing for the respondents.

4. The marriage on 11.12.2019 is admitted by the parties, which according to the petitioner, was initiated and carried

³ (2010) 7 SCC 667

out with much pomp and ceremony by the grandfather of the groom, a very respected person who had also been the Governor of a State. The petitioner alleged that while the grandfather of her husband was alive, she was treated with dignity. As soon as he died, mental and physical harassment commenced, not only from her husband and his parents but also from the larger family, comprising of two brothers of the father-in-law who are also very influential and one of them holding a Minister's post in the Government. The complainant accuses her in-laws of having thrown her out of the matrimonial home on 28.09.2020 before which she was beaten up, resulting in a fracture on her hand. Despite being thrown out, the complainant in an attempt at rapprochement, went back to her matrimonial home on 08.10.2020 at which point also she was treated badly and again turned out from the house. An uncle, who was arrayed as an opposite party, the Minister, is alleged to have threatened her with death. The specific threat levelled was that one another uncle would shoot her to death, which

uncle was, in any case, not arrayed as an accused in the complaint.

5. A further effort was made by the petitioner and she along with her mother went to her matrimonial home on 16.12.2021. The accused persons allegedly abused them from the balcony, threatened them and demanded Rs.50 lakhs and a Fortuner car as dowry to allow her to resume cohabitation with her husband. A complaint given to the police on 02.01.2022 was withdrawn, allegedly on pressure. A further complaint was made which again did not evoke any response which led to the filing of the application under Section 156(3) of the Cr. PC. Admitted is also the fact that the husband filed a petition under Section 12 of the Hindu Marriage Act, 1955⁴ before the Family Court in which the petitioner had appeared and filed a written statement and also initiated a proceeding for restitution of conjugal rights under Section 9 of the HMA. The petition filed for annulment of marriage by the first respondent was allowed and that filed by the petitioner was dismissed by a common

⁴ the HMA

judgment. An appeal is said to have been filed from the said judgment of the Family Court which is still pending.

6. We even made an attempt to settle the disputes to give a quietus to the dispute, but we could not succeed in our efforts hence we propose to decide the case on the merits.

7. An attempt was also made to take us to the facts as to what transpired before the Family Court under Section 12 of the HMA, which we refused to get into, since the matter is still pending in appeal. We are not making any observation on that count, lest it, in any manner affect the just adjudication of the appeal. We are only concerned with the specific allegation of harassment based on demand of dowry.

8. As noticed by the High Court and also by the learned Magistrate who issued the summons, there are many inconsistencies in the versions of the complainant. The petitioner is said to have returned to her matrimonial home on 08.10.2020 and 16.12.2020, having been thrown out of the house initially on 28.09.2020. At the first instance, according

to her, all the persons in the matrimonial home illtreated her and she was thrown out of the house. The petitioner also speaks of information given to the Deputy Chairman of the Women Commission who has not taken any action on the information supplied. However, there is no record to show a proper complaint having been made in writing to the Women Commission. Again on 16.12.2021, according to the application under Section 156(3), when she went to her matrimonial home along with her mother, the named persons of the family abused her, whereas in the statement under Section 200, Cr. PC, she only speaks of one Subodh Tandon, a cousin of the husband, having demanded a Fortuner car and Rs.50 lakhs. The statement under Section 200, Cr.PC also does not contain any allegation of the petitioner having been thrown out of the matrimonial house on 28.09.2020.

9. We cannot but also observe that there is no specific allegation of any physical violence except for vague statements made about the petitioner having been beaten

up, in which she sustained a fracture and having been subjected to physical and mental torture. There is no evidence of a treatment undergone to substantiate the allegation; especially when the petitioner is said to have suffered a fracture.

10. The petitioner in the affidavit filed in support of the written statement in case No.2790 of 2020 before the Additional Family Court VII, Lucknow, produced along with the records, indicates that the matrimonial life in the initial stages was very cordial and even pleasurable as is stated in paragraph 6. It is also admitted that the statements made by the husband regarding visit to the clinic of one doctor was intended for counselling and the medications prescribed by the doctor was to treat the anxiety of the petitioner, not amounting to mental illness, which indicates that the relationship had deteriorated in a short span of time. Despite the allegation of physical and mental torture as also the demand of dowry, the petitioner has moved the Family Court for restitution of conjugal rights, after the petition

under Section 12 was filed by the husband. Strangely it has also been stated in the affidavit referred to above that a cheque of Rs.50,000/- was given by the husband to the wife on 26.10.2020 for the purpose of purchasing gifts for '*Karwa Chauth*' and Diwali. It is also admitted that the petitioner had purchased an expensive saree which was worn by her on the day of '*Karwa Chauth*'. According to the petitioner the relationship between them was cordial and smooth and there was no tension between them. The statements made on affidavit regarding the amounts given on 26.10.2020 by the husband to the wife for purchase of an expensive saree to celebrate '*Karwa Chauth*' is after 28.09.2020, the date on which the petitioner alleges she was thrown out of her matrimonial home. It is also after 08.10.2020; the date on which the petitioner alleges she returned to the matrimonial home, when she was threatened and thrown out by the entire family.

11. The petitioner had taken contrary stands and there are inconsistencies in the complaint and statement which was

made before the Magistrate, which persuade us to find the proceedings to be a clear abuse of process of the Court, as has been held by the High Court. We find absolutely no reason to interfere with the invocation of the extraordinary power under Section 482, Cr. PC which, as rightly held by the High Court, secures the ends of justice and puts to naught a criminal proceeding which is a clear abuse of process of law.

12. The Special Leave Petition stands dismissed.

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

..... J.
(SUDHANSHU DHULIA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 08, 2025.**