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MCRC-13664-2022

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 3<sup>rd</sup> OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 13664 of 2022*GANESH PRASAD PARDHI AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Utkarsh Agrawal - Advocate for the petitioners.*

*Shri Jitendra Shrivastava - Panel Lawyer for respondent/State.*

*Shri Shishir Kumar Soni - Advocate for respondent No.2.*

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ORDER

By way of the present petition filed under Section 482 of CrPC for seeking quashment of FIR dated 01.10.2021 bearing crime No.552/2021 and charge sheet dated 23.12.2021 registered at Police Station - Lalbarra, District - Balaghat (M.P.) for offence punishable under Section 498-A, 323, 313, 506 and 34 of IPC and Section 3/4 of Dowry Prohibition Act.

2. As per the prosecution case, petitioner No.1 and respondent No.2 got married on 28.05.2019 at village Palakamathi, Police Station Lalbarra, District Balaghat. Petitioner No.1 is the real brother of petitioner No.5. Petitioner No.2 and petitioner No.3 are the sister and brother-in-law (husband of petitioner No.2), respectively, of petitioner No.5. Petitioner No.4 is the mother of petitioner No.5. Respondent No.2 made a written complaint against petitioner No.1 alleging that after the marriage, he used to physically



assault her under the influence of liquor. She further alleged that when she asked her in-laws to advise her husband not to consume liquor, they instead supported her husband and started demanding dowry of Rs.3 Lakhs. In the month of October 2019, when she became pregnant, her husband and his family members threatened her that if she did not bring Rs. 3 Lakhs from her parents, they would not accept her or her child. It is further alleged that her husband kicked her on the stomach, resulting in bleeding, and that her mother-in-law gave her some medicine due to which a miscarriage occurred. Thereafter the husband and other family members continuously harassed her demanding money and she was forced to live in her parental house.

3. It is submitted by the counsel for the petitioner that petitioners No.1 to 3 were not even present on the alleged date of incident. Petitioners No.1 and 2 are government servant. Petitioner No.1 is a Constable in RPF, Nainpur, whereas petitioner No.2 is a Government School Teacher at village Bamhangaon Tahsil Harda and her husband petitioner No.3 is an agriculturist residing at village Katangtola District Balaghat. The attendance register of petitioner No.1 and 2 of their respective departments have been filed to prove their presence at their place of duty on the alleged date of incident. They were not sharing the house with the respondent No.2, therefore, no offence is made out against the petitioners No.1 to 3. A false FIR has been lodged against them.

4. It is further submitted that there is an unexplained delay of 1 year and 10 months in lodging the FIR. Material collected during investigation which are part of charge sheet could not constitute any offence registered against



the petitioners and any further proceedings will only cause undue harassment to the petitioners. Learned counsel for the petitioner further contends that the allegations made in the FIR even if they are taken at their face value and accepted in its entirety do not prima facie make out a case against the petitioner. Moreover, the allegation made in the FIR are absurd and abuse of the process of law. The petitioners No.1 to 3 live separately since the marriage of respondent No.2. It is further submitted that no preliminary enquiry is made against them prior to lodging of FIR.

5. As regards the abortion, learned counsel for the petitioners has first drawn attention of this Court to the page no.43 which is the MLC prepared by Dr.Ritika on 02.10.2021. According to the history given by the respondent no.2, the doctor has recorded that she was pregnant with three months and aborted in December, 2019. Doctor opines that no opinion can be given regarding the abortion at present. Thereafter, learned counsel for the petitioner has drawn the attention of this Court to page no.60, which is pelvic sonography report of Shukla Nursing Home and Diagnostic Center at Balaghat dated 06.12.2019 of the respondent no.2, which records that "a gestational sac measuring 11mm x 5mm x 7mm seen in uterus. Sac is having slightly irregular outline and seen partially collapsed. No evidence of fetus within the gestational sac". Thereafter, the doctor has given her opinion "blighted ovum (Anembryonic pregnancy)".

6. Under the circumstances, learned counsel for the petitioners has submitted that the sonography report reflects that the respondent no.2 was never pregnant, as there was no fetus inside the gestational sac and she



suffered from a condition called blighted ovum or anembryonic pregnancy.

He has further stated that both the documents are the part of the charge-sheet.

7. Learned counsel for the respondent submits that the FIR when read as a whole clearly discloses specific, continuous, and systematic acts of cruelty and dowry-related harassment inflicted upon the complainant soon after her marriage. It is contended that the allegations are not vague or omnibus, but constitute a consistent and sound narrative of sustained cruelty which cannot be discarded at the threshold stage. The incidents narrated in the FIR constitute a continuing offence, particularly in cases of matrimonial cruelty, which ordinarily take place within the privacy of the matrimonial home and are seldom witnessed by independent persons. It is further submitted that while exercising jurisdiction under Section 482 CrPC, this Court is not expected to undertake a roving inquiry or a mini-trial to test the veracity of the allegations. The truthfulness of the accusations, sufficiency of evidence, and credibility of witnesses are matters falling squarely within the domain of the trial court and cannot be adjudicated at the stage of quashing. It is also contended that the delay in lodging the FIR stands satisfactorily explained, as the complainant was subjected to prolonged mental and physical harassment. On these grounds he prays for dismissal of the petition.

8. This Court has bestowed its anxious consideration to the rival submissions advanced by learned counsel for the parties and has carefully examined the FIR, the material placed on record, and the law governing the exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure.



9. The point of consideration of this court is that whether the allegations even if taken at face value, constitute the alleged offence and constitution of proceeding amount to abuse of process of law?

10. The legal position governing the exercise of inherent powers for quashing FIRs in matrimonial disputes is now well settled. The Supreme Court, in *Abhishek v. State of Madhya Pradesh :2023 SCC OnLine SC 1083*, has reiterated that while criminal law must operate as a shield to protect genuine victims of matrimonial cruelty, it cannot be allowed to degenerate into a tool of oppression by indiscriminately arraying all relatives of the husband in the absence of specific allegations. The Court sounded a note of caution that vague, general, and omnibus allegations particularly against relatives residing separately or having no direct nexus with the matrimonial household justify judicial intervention to prevent abuse of the criminal process.

11. A similar principle was reiterated in *Achin Gupta v. State of Haryana : 2024 SCC OnLine SC 759*, wherein the Supreme Court emphasised the duty of constitutional courts to maintain a delicate equilibrium: on one hand, ensuring that legitimate prosecutions are not stifled at the threshold, and on the other, safeguarding individuals from frivolous, vindictive, or unjustified criminal proceedings. It was categorically held that where the FIR does not disclose the essential ingredients of the alleged offences against certain accused, and lacks specificity as to their role, permitting the prosecution to continue would amount to unwarranted persecution.

12. The perusal of the entire record specifically the FIR, it is evident



that petitioner No.1 is a Constable in RPF, posted at Nainpur, whereas petitioner No.2 is a Government School Teacher at village Bamhangaon Tahsil Harda and her husband petitioner No.3 is an agriculturist residing at village Katangtola District Balaghat. It is mentioned in the FIR that when respondent No.2 informed petitioners No.1 to 3 about her husband's conduct namely, consumption of liquor, demand for dowry, and harassment they always took the side of her husband. As per the FIR, this incident occurred for the first time in September 2019. Thus, it is evident that during the four months following the marriage, none of the petitioners, other than the husband, said or did anything against respondent No.2. Rather, Respondent No.2 herself contacted petitioners No.1 to 3 and informed them of her grievances against her husband, petitioner No.5.

13. The Hon'ble Supreme Court in *Abhishek and Achin Gupta (supra)* has consistently drawn a clear distinction between the husband, who occupies a central role in the matrimonial relationship, and other relatives, whose criminal liability must be founded on specific and prima facie allegations. Mechanical implication of such relatives on the basis of vague and omnibus assertions has been strongly deprecated.

14. As far as petitioners No.1 to 3 are concerned this Court is of the considered view is that the present case clearly fall within the categories enunciated by the Hon'ble Supreme Court in *State of Haryana and Others v. Bhajan Lal and Others* [(1992) Supp 1 SCC 335] for exercise of extraordinary jurisdiction for quashment of FIR. There is no proof or allegation that the petitioners No.1 to 3 reside with respondent No.2 or raised



any demand of dowry or subjected her to cruelty. Evidently, they reside separately from respondent No.2. The petitioner No.2 was married to petitioner No.3 much prior to the marriage of respondent No.2 and has not shared the matrimonial house of the respondent No.2 at any relevant point of time. They never made any attempt to meet or talk to the respondent No.2 after the marriage, rather the of respondent No.2 herself called and informed them regarding conduct of her husband. All of them lived far away from respondent No.2 at the time of incident. Therefore, the FIR dated 01.10.2021 bearing crime No.552/2021 and charge sheet dated 23.12.2021 registered at Police Station - Lalbarra, District - Balaghat (M.P.) for offence punishable under Section 498-A, 323, 313, 506 and 34 of IPC and Section 3/4 of Dowry Prohibition Act, so far as it relates to petitioners No.1 to 3 is quashed.

15. As far as petitioners No.4-mother-in-law and petitioner No.5-husband are concerned this Court is of the considered opinion that the allegation regarding alleged offences and evidence produced as medical report regarding pregnancy of the respondent No.2 is a matter of defence to be taken before the trial Court. Thus, the petition is dismissed qua petitioner No.4 and 5. The trial Court shall proceed against them in accordance with law, uninfluenced by any observations made herein.

16. A copy of this order/judgment be sent to the concerned trial Court. Pending application(s), if any stands closed. The petition stands partly allowed and disposed off.

(B. P. SHARMA)  
JUDGE



L.Raj

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