2025:AHC:182654

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/s 482 No. - 15302 of 2018

Bhavesh Singh and 5 Others

…..Applicants(s)

Versus

State of U.P. and another

…..Opposite Party(s)

Counsel for Applicants(s)	:	Ashish Upadhyay, Jitendra Kumar, Vinod Kumar Upadhyay
Counsel for Opposite Party(s)	:	Deepak Kumar Jaiswal, G.A., Sanjay Kumar Gupta

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AFR
Reserved on 27.8.2025
Delivered on 13.10.2025

Court No. - 76

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard Sri Jitendra Kumar, learned counsel for Applicants, Sri Sanjay Kumar Gupta, learned counsel for opposite party No. 2.

2. The present application has been filed by Applicants for quashing the entire proceedings of Complaint Case No.510 of 2017 (Arpita Tarmali Vs. Bhavesh Singh and others) arising out of Case Crime No.78 of 2015, under Sections 498-A, 323, 504, 506, 377 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station-George Town, District-Allahabad including impugned summoning order dated 07.06.2017 passed by A.C.J.M., Room No.8, Allahabad.

3. Learned counsel for applicants submits that Applicant No.1-Bhavesh Singh (husband) has died during pendency of present case and Applicant Nos.2 and 3 are father-in-law and mother-in-law, respectively

and Applicant Nos. 4, 5 and 6 are sisters-in-law. It is submitted by learned counsel for Applicants that the dispute arises out of matrimonial dispute between husband and wife and now husband has died. A perusal of First Information Report would go to show that allegations against applicant Nos.2 to 6 are vague and general in nature. Learned counsel for applicants submits that in pursuance to First Information Report, allegations were investigated by Investigating Officer and thereafter, a final report was submitted in favour of applicants. The trial court did not accept the aforesaid final report and has passed summoning order dated 07.06.2017 against applicants Nos.2 to 6 under Sections 498-A, 323, 504, 506 I.P.C. and Section 4 of Dowry Prohibition Act. Learned counsel for applicants submits that thereafter, the matter was taken as complaint case and the statement of wife was recorded under Section 200 Cr.P.C. and statements of father of the wife, namely, Dr. Heeralal and one Ram Shiromani were recorded under Section 202 Cr.P.C. Learned counsel for applicants submits that a perusal of aforesaid statements would go to show that allegations against applicant Nos.2 to 6 are wholly vague in nature and as such, the aforesaid criminal proceedings are liable to be quashed.

4. Learned counsel for opposite party No.2 has opposed the prayer made by learned counsel for applicants and submits that although he does not dispute the facts that Applicant No.1-Bhavesh Singh (husband) has died, however, there are allegations against Applicant Nos.2 to 6 in the statements of wife and witnesses and as such, they are liable to be proceeded with. Learned counsel for opposite party No.2 further submits that 'Stridhan' has not been returned by family members even after the death of husband and as such, the present proceedings are tenable.

5. Initially, Opposite party No.2 has lodged First Information Report on 18.2.2015 at Police Station-Georgetown, District-Allahabad under Sections 147, 148, 323, 377, 498A, 504, 506, 511 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act against applicant Nos.1 to 6.

6. As per allegations in the First Information Report lodged by opposite party No.2, it is alleged that informant was married to Bhavesh Singh on 14.5.2013 in accordance with Hindu Marriage Rites. At the time of marriage on demand of family members of husband, father of informant had given Rs.25 lakh as cash in Tilak and Rs. 6 lakh by cheque for car and other gifts for use at home having total amount of Rs.10 lakh. The total expenditure at time of marriage was to the tune of Rs.51 lakh. On 25.5.2013 when the informant reached her matrimonial home, then Applicant No.3 and Applicant Nos.2, 4, 5, 6 stated that father of informant had cheated them. The husband was working as Assistant Commissioner (Commercial Tax) and if the marriage had taken place at some other place they would have received Rs.2 crore. From first day, family members of husband were demanding dowry and were mentally harassing informant. The husband of informant also stated that mother of informant was illiterate and husband started pressurizing the informant for having unnatural sex and when the informant refuse the same she was assaulted. The family members of husband were demanding Rs.1.5 crore as dowry and pressurizing the informant to arrange the same from her father. On showing incapacity to pay the dowry, applicants started assaulting. The aforesaid incident was informed to father of informant. On 15.1.2014, husband took the informant to Varanasi at his apartment where husband used to not permit the informant from going out of apartment nor provided the essentials to the informant.

7. It is also alleged in the First Information Report that husband used to take pictures of informant. The husband after coming back from office used to see adult movies and used to mentally, physically and sexually harass the informant. On coming to know about the alleged incident, the father of informant went to family members of husband, where they misbehaved with father of informant & abused him and further demanded dowry to the tune of Rs.1.5 crore. Father-in-law, mother-in-law and sister-in-law used to entice the husband to demand dowry. It is also alleged that husband used to threaten with injury by fire if the demand for dowry is not accepted and another marriage would be made

of the husband. The informant was thrown out of the matrimonial house. On 25.3.2014 when informant went to Varanasi to her husband then again she was assaulted. On 20.6.2014 when the sister of informant went to house of husband at Varanasi then the husband had abused and assaulted in front of sister of the informant and thereafter husband brought informant to Sohabatiya Bagh. On coming to in-laws house, father-in-law, mother-in-law and sister-in-law assaulted. On 29.6.2014 aforesaid persons have taken all the jewellery, clothes and thrown out the informant from house. On 18 July, again when the informant went to Varanasi then husband abused, assaulted and thrown informant out of house, as a result of same, informant came back to parental home. On 15.2.2015, husband, father-in-law, mother-in-law, sister-in-law and some other persons came to house of father of informant and demanded amount & abused. Further stated that the property belonging to informant would not be given back.

8. Investigation in pursuance to above-mentioned First Information Report was commenced and Investigating Officer submitted final report in favour of applicants on 25.8.2015. Opposite party No.2 filed protest petition before the court concerned in January, 2016. The court concerned thereafter on 4.1.2017 passed an order directing the matter to be treated as complaint case. The complaint case was registered as Complaint Case No.510 of 2017 (Arpita Tarmali Vs Bhavesh Singh and others). Thereafter statement of opposite party No.2 was recorded under Section 200 Cr.P.C on 17.2.2017.

9. In statement under Section 200 Cr.P.C. informant / opposite party No.2 has stated that marriage took place on 24.5.2013 with Bhavesh Singh and after marriage when informant went to matrimonial home, family members of husband were harassing the informant for dowry. Father-in-law and mother-in-law used to taunt the informant that their son (husband) is working as Assistant Trade Tax Commissioner and they would have got Rs.2 crore dowry and the father of informant has not given dowry. The informant has further stated that she does not know the

name of elder sister-in-law. Sister-in-law used to taunt for giving less dowry. It was also stated by informant that applicants used to assault the informant for giving less dowry and use to abuse informant and threatened for life. The husband used to watch porn movies and used to have forceful unnatural sex with informant. The informant used to live for six months in Varanasi and for six months in Sohabatiya Bagh. Husband was posted in Varanasi. On 28.6.2014 informant was brought to her matrimonial home from Varanasi and thereafter father of informant was called for and was misbehaved by husband, father-in-law & mother-in-law. On 29.6.2014 applicants have thrown the victim from the matrimonial home and husband has filed a divorce suit. When opposite party No. 2 went to Varanasi, husband has misbehaved.

10. Thereafter, the statement of Dr. HeeraLal Pasi was recorded under Section 202 Cr.P.C. The aforesaid witness in his statement has stated that opposite party No.2 was married on 24.5.2013 with Bhavesh Singh. In the marriage by way of gift Rs.51 lakh was expended. After marriage when wife went to matrimonial home then mother-in-law, father-in-law, sister-in-law and husband used to taunt for dowry and subjected opposite party No.2 to physical and mental harassment. The applicants also assaulted opposite party No.2. Applicants claimed that husband was Assistant Commissioner (Trade Tax) and as such, Rs.2 crore dowry should have been given in marriage. Opposite party No.2 also informed him that husband used to watch porn movies. Husband used to have unnatural sex with opposite party No.2 at Varanasi. Opposite party No.2 used to live for six months at Varanasi and for another six months at Sohabatiya Bagh. On 28.6.2014, opposite party No.2 was brought from Varanasi to her matrimonial home where she was visited with misbehaviour by applicants. On 29.6.2014 applicants after taking all the belongings of opposite party No.2 was thrown out from matrimonial home. On 18.7.2014, opposite party No.2 again went to Varanasi where the husband was residing, however, husband has misbehaved with wife and has indulged in forceful unnatural sex and as such, opposite party No.2 came back.

11. In support of allegations in complaint, complainant has further examined Shri Ramshiromani, who has stated that he was mediator in marriage of opposite party No.2. It is also stated that father of opposite party No.2 has given a cheque of Rs.6 lakh and a suit case with cash in marriage. After marriage when opposite party No.2 came back to her parents' house, she had informed with regard to harassment on account of dowry demand. Opposite party No.2 also informed that husband used to have unnatural sex with wife and when wife resisted the same, husband used to harass and threatened.

12. The court concerned by impugned order dated 7.6.2017 has directed the summoning of applicant Nos.2 to 6 under Sections 498A, 323, 504, 506 I.P.C. and Section 4 of Dowry Prohibition Act.

13. It is to be seen that Applicant Nos.2 to 6 are also prosecuted under Section 498-A of Indian Penal Code and Section 4 of Dowry Prohibition Act. Section 498-A IPC provides penal consequences where the husband or relative of husband of a woman subjects such woman to cruelty. "Cruelty" has been defined in the explanation appended to Section 498-A IPC. There are two explanations provided under the aforesaid provision for interpretation of the word "cruelty". The explanation (a) provides that the "cruelty" would mean any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical). The explanation (b) provides "cruelty" would mean harassment of woman where such harassment is with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure of her or any person related to her to meet such demand. The provision of Section 498-A IPC prescribes as under : -

> "498A. Husband or relative of husband of a woman subjecting her to cruelty. —Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

> Explanation.—For the purposes of this section, "cruelty" means— (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

14. In the present case, there is no allegation that Applicant Nos.2 to 6 have offered any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health of woman. Learned counsel for opposite party No.2 has neither relied upon any grave injury suffered by opposite party No.2 nor has relied upon any medical report in this respect. It is not in dispute between the parties that no medical practitioner was examined in support of complaint before court concerned. It is not alleged in the complaint nor any material circumstances have been shown on behalf of opposite parties that the conduct of Applicants was of such a nature as is likely to drive the wife to commit suicide.

15. It is further to be noted that as per prosecution case, it is alleged that the wife was being subjected to harassment by applicant Nos.2 to 6 demanding amount to meet unlawful demand. For the purpose of prosecution under Section 498-A IPC, it is imperative that the woman should be subjected to cruelty by husband or relative of husband of a woman. As per explanation (b) of the aforesaid section, it is imperative that the harassment of woman should be with a view of coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to woman to meet such demand.

16. A perusal of statement & First Information Report of opposite party No.2 under Section 200 of the Criminal Procedure Code before the court concerned would go to show that the allegation against the Applicant Nos.2 to 6 are to the effect that family members of husband used to harass her mentally and physically for dowry. The aforesaid allegation do not provide the material particulars as to the manner in

which the alleged offence has occurred, vague and general allegations are made against family members of husband. The material particulars with regard to how opposite party No.2 was physically and mentally harassed are not provided, the date and time of alleged incident is also not stated nor the role of each of Applicant Nos.2 to 6 is given in the statement.

17. It is also alleged in statement of opposite party No.2 that the father-in-law and mother-in-law used to taunt the opposite party No.2 that the husband was Assistant Commissioner and Rupees Two crore dowry would have been received and the father of opposite party No.2 has not given anything. The law contemplates demand of dowry as an offence, further the cruelty or harassment to the wife by the husband or others family members is also held punishable. The aforesaid allegations does not give detailed as to the date and time when the aforesaid act was committed by the accused person. The applicability of Section 498-A of Indian Penal Code in terms of Explanation (b) thereto, will come into play when it is shown by material particulars that harassment was being done with a view to coerce wife or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. In **Girdhar Shankar Tawade Vs. State of Maharashtra, (2002) 5 SCC 177,** the Supreme court has observed that the legislative intent is clear enough to indicate in particular reference to Explanation (b) that there shall have to be a series of acts in order to be a harassment within the meaning of Explanation (b). The prosecution case in the present case does not give material particulars of the alleged harassment to the wife.

18. It is also alleged in the statement of informant that on 20.8.2014 the father-in-law and mother-in-law misbehaved with the father of the informant. The nature of misbehavior has neither been given by the informant as such it cannot be stated that the aforesaid allegation would come within the meaning of harassment under the provisions of Section

498-A of Indian Penal Code. The details of the physical and mental harassment is not stated in the statement of informant and witnesses.

19. This Court in **Application U/S 482 No.- 6782 of 2023 (Viri Singh and another Vs. State of U.P. and another); 2025:AHC:147074** in respect of vague, general and omnibus allegations has observed as under :-

> "24. Criminal law is set in motion by lodging of First Information Report or Complaint. The investigation/prosecution is carried upon to find the truth in allegations. Setting in motion criminal law entails consequences including curtailing of liberty of individual. The criminal law machinery is based on the nature of allegations and the evidence found during investigation/prosecution/enquiry. It is important for prosecution to provide precise details of allegations and evidence to support the prosecution case.
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> 25. Vague, ambiguous and omnibus allegations can violate the right of accused to process of law and fair trial. It is fundamental principle of law that accused be subjected to fair trial. Vague allegation has significant effect on defence by creating uncertainty. Without specific details and evidence, the defence of accused may be prejudiced or the accused may not be able to effectively defend himself.
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> 26. Vague allegation can affect the defence of accused by making it difficult to formulate a targeted defence strategy. Without clear specifics or evidence to address, accused may struggle to refute the allegations or present a compelling counter argument. Lawyers/Advocates typically rely on specific information to prepare their case, such as dates, time, location, and witnesses. Vague allegations lack these crucial details, leaving the defence to speculate or generalize their response, which can weaken their defence in court. The mere suggestion of wrong doing, without substantiation, can lead to stigma and prejudice against the accused, making it harder for them to receive a fair trial. Moreover, vague allegations may prolong legal proceedings as the defence attempts to gather more information to understand the accusations fully."

20. In **State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335** the Supreme Court has laid down the categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of process of any court or otherwise to secure the ends of justice. One of the categories pointed out in the said judgement is stated in para 102 (5) which is quoted herein below :

> "(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused."

21. In law, prudent person is a hypothetical person, who in the facts and circumstances would conduct in a reasonable, just and fair manner. In the context of vague allegations at the stage of cognizance or summoning of accused, it is to be examined whether on the basis of allegations in the complaint or the First Information Report and the evidence collected during investigation it can be said that a prudent person would come to the conclusion that there is sufficient ground for proceeding against the accused. The insufficiency of ground for proceeding against an accused may also arise when material particulars and details in respect of alleged offence are absent in prosecution case. The sufficiency of material against an accused is a condition precedent for proceedings against an accused.

22. In **S.M.S. Pharmaceuticals Ltd. Vs. Neeta Bhalla, (2005) 8 SCC 89,** the Supreme Court has laid emphasis that the complaint must contain material to enable the court to make up mind for issuing process.

> "5. Section 203 of the Code empowers a Magistrate to dismiss a complaint without even issuing a process. It uses the words "after considering" and "the Magistrate is of opinion that there is no sufficient ground for proceeding". These words suggest that the Magistrate has to apply his mind to a complaint at the initial stage itself and see whether a case is made out against the accused persons before issuing process to them on the basis of the complaint. For applying his mind and forming an opinion as to whether there is sufficient ground for proceeding, a complaint must make out a prima facie case to proceed. This, in other words, means that a complaint must contain material to enable the Magistrate to make up his mind for issuing process. If this were not the requirement, consequences could be far-reaching. If a Magistrate had to issue process in every case, the burden of work before the Magistrate as well as the harassment caused to the respondents to whom process is issued would be tremendous. Even Section 204 of the Code starts with the words "if in the opinion of the Magistrate taking cognizance of an offence there is sufficient ground for proceeding". The words "sufficient ground for proceeding" again suggest that ground should be made out in the complaint for proceeding against the respondent. It is settled law that at the time of issuing of the process the Magistrate is required to see only the allegations in the complaint and where allegations in the complaint or the charge-sheet do not constitute an offence against a person, the complaint is liable to be dismissed."

23. The question therefore arises what is the material which is required to be before the court to issue process under criminal law. The material facts and particulars to constitute an offence are required to be shown by prosecution before the court proceeds to issue the process. The

material facts and particulars are those facts which essentially would be required to constitute an offence. These facts would also include such facts which the law recognizes as important facts for proceeding with the trial of the case. These facts are also necessary to bring fairness in the process of trial. In this respect, Sections 212 and 213 of Cr.P.C. (Section 235 & 236 BNSS) also recognizes that the charge shall contain particulars of time and place of offence and the particulars of the manner in which the alleged offence was committed.

24. The rule of law requires that accused is visited with specific allegations in criminal prosecution. Specific allegation under criminal law would require that date, time and place of alleged offence is specified (more particularly when the informant is victim having personal knowledge), the details of person against whom the offence is committed or the thing in respect of which the offence was committed. The allegations should also describe the manner in which the offence is committed. In **Neelu Chopra Vs. Bharti, (2009) 10 SCC 184,** the Hon'ble Supreme Court has emphasised the need for specific and proper allegation in criminal law. In this reference para 9 of the **Neelu Chopra Judgement (Supra)** is quoted herein below :

> *"*9. In order to lodge a proper complaint, mere mention of the sections and the language of those sections is not the be all and end all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing of that offence."

25. In **Achin Gupta Vs. State of Haryana, 2024 INSC 369**, the Supreme Court has laid emphasis that general and sweeping allegation without specific instance is an abuse of process of court. In this reference para 25 of **Achin Gupta (Supra)** is quoted herebelow :

> "25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute"

26. In **Dara Lakshmi Narayana & others Vs. State of Telangana & another, 2024 INSC 953**, the Supreme Court has observed that vague allegation may lead to misuse of legal process. In this respect, para 18 & 28 is quoted herein below:

> "18. A bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.
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> 28. 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 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 IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."

27. A bare perusal of complaint and statement of opposite party no 2 would go to show that general, vague and omnibus allegations have been made against applicant Nos.2 to 6. It has not been disclosed in complaint or in statement of opposite party No.2 as to role assigned to applicant Nos.2 to 6. Complaint or statement of opposite party No.2 before the trial court does not specify the details of harassment as mere taunting by applicants by stating that they would have received dowry if the marriage was performed elsewhere, may not amount to cruelty in terms of Section 498-A IPC or Section 4 of Dowry Prohibition Act. In the statement of opposite party No.2, general, vague and omnibus allegations are made with regard to demand of dowry. Mere mention of the language of section is not enough. The substantive requirement is that the material particulars of offence found during investigation committed by each accused and the role played by each accused in committing the offence is provided.

28. In **Mamidi Anil Kumar Reddy Vs. State of Andhra Pradesh and another, 2024 SCC Online SC 127**, the Supreme Court in the context of Vague, General and Omnibus allegations has observed as under :-

> **"14.** In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses' and the charge-sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not prima facie make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged nor discloses the specific role/allegations assigned to any of the Appellants in the commission of the offences."

29. In view of the fact that general, vague and omnibus allegations are made against applicant Nos.2 to 6 in respect of an offence under Section 498-A IPC, summoning order and criminal proceedings are not tenable.

30. As per the summoning order dated 7.6.2017, Applicant Nos.2 to 6 were summoned under Section 4 of Dowry Prohibition Act along with other section of IPC. Although in prayer of present application under Section 482 Cr.P.C., quashing is sought in respect of offence under Section 3 of Dowry Prohibition Act also. Once applicant Nos.2 to 6 are not summoned under Section 3 of Dowry Prohibition Act, no occasion arises to quash the proceedings in aforesaid section.

31. Insofar as allegations with regard to demand of dowry in violation of Section 4 of Dowry Prohibition Act is concerned, in the statement of opposite party No. 2 except general and bald allegations with regard to demand of dowry against entire family members of husband, there is no specific allegation. In this respect, summoning order could not have been issued in respect of offence under Section 4 of Dowry Prohibition Act.

32. Applicant Nos.2 to 6 were also summoned under Sections 504 and 506 of Indian Penal Code. Applicants have put to challenge the summoning under the aforesaid sections on the ground that no offence is made out. The offence under Section 504 IPC prescribes that whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him

to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The offence under Section 504 IPC requires that there should be intentional insult and thereby giving provocation to any person intending or knowing that such provocation will cause him to break public peace or to commit any offence. In the present case, there are no material circumstances to show that there was any intentional insult which would give provocation to the wife to cause any break of public peace or to commit any offence, as such, the material ingredient for offence under Section 504 IPC is not made out from the prosecution case. Further, Section 506 IPC provides punishment for offence of criminal intimidation. The offence of criminal intimidation has been described under Section 503 IPC and the same is quoted herein below :-

> "503. Criminal intimidation.-Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.
>
> Explanation.-A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section."

33. An act of criminal intimidation would occur when a person threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation. A perusal of the statement of complainant before the court concerned under Section 200 Cr.P.C. would go to show that there is no allegation of any threatening against applicant Nos.2 to 6. Even complainant does not make any specific allegation against applicants with regard to any threatening and using of abusive language. Complaint does not specify as to what was the language used by applicants. Further the date, time and place of

threatening by applicants has also not been disclosed in the complaint. Even otherwise, allegation in the complaint do not constitute an offence under Sections 504 and 506 IPC. The court concerned erred in issuing summons against applicants under Sections 504 and 506 IPC.

34. Applicant Nos.2 to 6 are also summoned under Sections 323 IPC. Section 323 IPC provides for offence of causing hurt. The 'Hurt' has been defined under Section 319 IPC as whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. The complainant has specifically alleges that accused has assaulted the complainant and have thrown her out of matrimonial. The statement of complainant/FIR alleges general, vague and omnibus allegation against applicants with regard to assault and there is no allegation in the FIR nor in the statement of complainant before the court concerned of causing any body pain, disease or infirmity to complainant. Learned counsel for opposite party No.2 has not relied upon any medical report nor any doctor is shown to have been examined before the court concerned with regard to any bodily pain, disease or infirmity. In view of aforesaid, no offence under Section 323 IPC is made out against applicant Nos.2 to 6.

35. In view of above mentioned reasoning and conclusion, the summoning order dated 7.6.2017 as well as criminal proceedings arising out of Complaint Case No.510 of 2017 (Arpita Tarmali Vs Bhavesh Singh and others) arising out of Case Crime No.78 of 2015 under Sections 498A, 323, 504, 506 IPC and Section 4 of Dowry Prohibition Act are hereby quashed in respect of applicant Nos.2 to 6, namely, Ram Nihore Singh, Smt. Tara Devi, Smt. Bhavna Devi, Richa and Monika.

36. The application under Section 482 Cr.P.C. is ***partly allowed***.

(Vikram D. Chauhan,J.)

October 13, 2025
D. Tamang

Digitally signed by :-
DHIRENDRA TAMANG
High Court of Judicature at Allahabad