



IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 9th OF APRIL, 2025

MISC. CRIMINAL CASE No. 14779 of 2025

VIRENDRA PARIHAR AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prabal Raj Singh Chauhan and Shri Nikhil Rai – Advocates for applicants.

Shri Ajay Kumar Nirankari – Public Prosecutor for State.

ORDER

This petition, under Section 482 of the Cr.P.C., has been filed seeking the following relief (s):-

“Thus, prayed that, this Hon’ble Court may kindly be pleased to allow this petition and the FIR registered on the basis of false submissions at Crime No.0013/2025 may kindly be quashed in the interest of justice.”

2. Applicant No.1 is the husband, applicant No.2 is the mother-in-law, applicant No.3 is the father-in-law and applicant No.4 is the elder brother-in-law (जेठ) of respondent No.2. Respondent No.2 had lodged an FIR in Crime No.13/2025 at Police Station Karera, District Shivpuri on 07.01.2025 alleging that



she got married to applicant No.1 on 10.05.2023. Her parents had spent approximately Rs.15 lacs for giving dowry. After one month of her marriage, her in-laws started demanding four wheeler vehicle and were also alleging that her parents have given less dowry. Applicants No.1, 2 and 3 used to say that she is not of their liking and applicant No.1 could have married with a girl of his choice and would have got own divorce. On trivial issues, her in-laws used to pass taunt. It was alleged that applicants No.1, 2 and 3 used to beat her frequently. On 21.08.2024 she was beaten by all the four applicants and she informed the incident to her brother Sonu Tomar and called him to her matrimonial house. Thereafter, she came back to her parental home and since then she is residing in her parental home. Her parents had tried to pursue the applicants on multiple occasions, but her in-laws are not ready and they are not willing to keep her with them. Accordingly, FIR was lodged.

3. Challenging the FIR lodged by respondent No.2, it is submitted by counsel for applicants that respondent No.2 had made a complaint to SHO, Tahsil Camp Panipat (Hariyana) on 19.10.2024 reiterating the same allegations, but in a concise form. Later on, she herself withdrew the said complaint. Thus, it is clear that allegations made by respondent No.2 in her complaint dated 19.02.2024 are false. It was further submitted that FIR in question has been lodged by way of counter blast to the petition filed applicant No.1 under Section 13 of Hindu Marriage Act for grant of divorce, therefore, FIR in question is liable to be quashed. It is further submitted that on comparison of FIR with complaint lodged by respondent No.2 on 19.10.2024 before SHO, Tahsil Camp Panipat (Hariyana), it is clear that there are differences in the allegations and thus, FIR in question is liable to be quashed. It is further submitted that although in the FIR, it was alleged that respondent No.2 was ousted by applicants on 21.08.2024 but in the complaint made to the SHO, Tahsil Camp Panipat (Hariyana) on 19.10.2024 she has not



disclosed the date of her ouster. It is further submitted that in the complaint dated 19.10.2024, she had alleged that Rs.10 lacs were given at the time of marriage, but in the FIR in question it is alleged that her parents had spent Rs.15 lacs in the marriage. Thus, it is submitted that FIR in question is liable to be quashed.

4. Counsel for applicants relied upon the judgment passed by Supreme Court in the case of **Preeti Gupta Vs. State of Jharkhand** reported in **AIR 2010 SC 3363**,

5. Per contra the application is vehemently opposed by counsel for State.

6. Considering the submissions made by counsel for parties.

7. An attempt was made by counsel for applicants to mislead the Court by submitting that respondent No.2 had subsequently withdrawn her complaint which was made by her before SHO, Tahsil Camp Panipat (Hariyana) on 19.10.2024. Applicants have filed copy of complaint dated 19.10.2024 as Annexure B. Copy of communication sent by respondent No.2 to SHO, Tahsil Camp Panipat (Hariyana) and diary proceedings recorded by police on the basis of communication sent by respondent No.2 (as Annexure F).

8. By referring to Annexure F, counsel for applicants repeatedly submitted that respondent No.2 had withdrawn her complaint which was lodged on 19.10.2024.

9. Communication sent by respondent No.2 which has been filed as Annexure F reads as under:-

थाना प्रभारी महोदय,
तहसील कैम्प पानीपत
हरियाणा।

महोदय,
निवेदन है कि प्रार्थीया ने दिनांक 19.10.2024 को अपने ससुराल वालों से खिलाफ मारपीट-गाली गलौच एवं दहेज की मांग करने पर एक शिकायती प्रार्थना पत्र तहसील कैम्प पानीपत थाने में दिया था जिसके बाद भी प्रार्थीया को ससुराल वालों ने घर में नहीं रहने दिया एवं घर से निकाल दिया है जिससे प्रार्थीया अपने



मायके में आ गई थी उसके बाद में पति वीरेन्द्र, सास विमला, ससुर महाराज सिंह अन्य अन्य नम्बर से कॉल करके धमकी दे रहे कि अगर तुम पानीपत आये तो मार देंगे।

इसलिये प्रार्थिया को जान का खतरा होने से पानीपत नहीं आ सकती, इसीलिये श्रीमान जी से निवेदन है कि प्रार्थिया अपनी कार्यवाही पानीपत थाने से न कराकर अपनी मायके थाना करेरा जिला शिवपुरी म0प्र0 से कराना चाहती है।

रमा तोमर

प्रार्थिया

10. The diary proceedings recorded by SHO, Tahsil Camp Panipat (Hariyana) reads as under:- Page 80

श्रीमान जी,
परिवाद नम्बरी-2578-D दिनांक-19-11-2024 सम्बन्ध में निवेदन है कि परिवाद हजा की जाँच मन L/HC द्वारा अमल में लाई गई दौराने जाँच परिवादिया ने अपनी कलमी लिखकर वटसैअप के माध्यम से एक दरखास्त मन L/HC के फोन पर भेजी है कि मैने एक दरखास्त ससुराल वालो के खिलाफ मारपीट व गाली गलोच करने बारे दी थी जो परिवादिया अपनी दी हुई दरखास्त पर पानीपत में कोई कानुनी कार्यवाही नहीं कराना चाहती है परिवादिया अपने मायके में अपनी दरखास्त पर कानुनी कार्यवाही कराना चाहती है अतः परिवाद को दाखिल दफ्तर करने के सादर अदिशफरमाये जावे

11. From the plain reading of the communication sent by respondent No.2 which has been filed as Annexure F, it is clear that she had levelled serious allegations against her in-laws. After reiterating the atrocities committed to her in a concise form, she had further alleged that applicants No.1, 2 and 3 are extending threat by using different phone numbers and have said that in case if she comes to Panipat, then she would be killed. Ultimately it was written by complainant that since she is afraid of her life, therefore, she cannot come out to Panipat. Accordingly, it was requested that she does not want any further investigation by Panipat Police Station and she would get the investigation done by her home police station i.e. Karera District Shivpuri.



12. Relying upon the said communication, it was written by SHO, Tahsil Camp Panipat (Hariyana) in its diary proceedings that she does not want any legal action at Panipat and she wants to get the matter investigated at a place where her parental home is situated.

13. By no stretch of imagination, it can be said that respondent No.2 had withdrawn her complaint. Therefore, submission made by counsel for applicants that after withdrawing her complaint dated 19.10.2024, respondent No.2 has lodged a false report, is misconceived and it is hereby rejected.

14. So far as the contention of counsel for applicants that since applicant No.1 had filed a petition under Section 13 of Hindu Marriage Act on 24.09.2024, therefore, by way of counter blast respondent No.2 has falsely made complaint on 19.10.2024 and has lodged false report on 07.01.2025 is concerned, the same is misconceived, is hereby rejected.

15. The Supreme Court in the case of **Pratibha Vs. Rameshwari Devi and others reported in (2007) 12 SCC 369** has held as under:-

“14. From a plain reading of the findings arrived at by the High Court while quashing the FIR, it is apparent that the High Court had relied on extraneous considerations and acted beyond the allegations made in the FIR for quashing the same in exercise of its inherent powers under Section 482 of the Code. We have already noted the illustrations enumerated in BhajanLal case [1992 Supp (1) SCC335 : 1992 SCC (Cri) 426] and from a careful reading of these illustrations, we are of the view that the allegations emerging from the FIR are not covered by any of the illustrations as noted hereinabove. For example, we may take up one of the findings of the High Court as noted hereinabove. The High Court has drawn an adverse inference on account of the FIR being lodged on 31-12-2001 while the appellant was forced out of the matrimonial home on 25-5-2001.

15. In our view, in the facts and circumstances of the



case, the High Court was not justified in drawing an adverse inference against the appellant wife for lodging the FIR on 31-12-2001 on the ground that she had left the matrimonial home at least six months before that. This is because, in our view, the High Court had failed to appreciate that the appellant and her family members were, during this period, making all possible efforts to enter into a settlement so that Respondent 2 husband would take her back to the matrimonial home. If any complaint was made during this period, there was every possibility of not entering into any settlement with Respondent 2 husband.

16. It is pertinent to note that the complaint was filed only when all efforts to return to the matrimonial home had failed and Respondent 2 husband had filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955. That apart, in our view, filing of a divorce petition in a civil court cannot be a ground to quash criminal proceedings under Section 482 of the Code as it is well settled that criminal and civil proceedings are separate and independent and the pendency of a civil proceeding cannot bring to an end a criminal proceeding even if they arise out of the same set of facts. Such being the position, we are, therefore, of the view that the High Court while exercising its powers under Section 482 of the Code has gone beyond the allegations made in the FIR and has acted in excess of its jurisdiction and, therefore, the High Court was not justified in quashing the FIR by going beyond the allegations made in the FIR or by relying on extraneous considerations.

22. For the reasons aforesaid, we are inclined to interfere with the order of the High Court and hold that the High Court in quashing the FIR in the exercise of its inherent powers under Section 482 of the Code by relying on the investigation report and the findings made therein has acted beyond its jurisdiction. For the purpose of finding out the commission of a cognizable offence, the High Court was only required to look into the allegations made



in the complaint or the FIR and to conclude whether a prima facie offence had been made out by the complainant in the FIR or the complaint or not.”

16. It is well established principle of law that findings recorded by Civil Court are not binding on the Criminal Court vice versa.

In the light of judgment passed by Supreme Court in the case of **Pratibha (supra)**, it is clear that FIR in question cannot be quashed merely on the ground that it was lodged after petition for divorce was filed. On the contrary, it appears that respondent No.2 must have tried her level best to save her matrimonial life and only after realizing that situation has gone so far from where the reconciliation or reunion is not possible then decided to disclose the atrocities/cruelty meted out to her, then patience shown by wife on the earlier occasion cannot be taken to such an extent to give a finding that allegations made by her are false and baseless.

17. No other arguments is advanced by counsel for applicants.

18. Considering the totality of facts and circumstances of the case, this Court is of considered opinion that no case is made out warranting interference. Application fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge