



2025 INSC 958

**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2025**  
**[ARISING OUT OF SLP (Crl.) NO. 3037 OF 2025]**

**KRISHNAKANT KWIVEDY & ANOTHER** **...APPELLANTS**  
**VERSUS**  
**STATE OF CHHATTISGARH & OTHERS** **...RESPONDENTS**

**J U D G M E N T**

1. Leave granted.
2. The challenge in this criminal appeal is to the judgment and order dated 20<sup>th</sup> August, 2024 passed by the High Court of Chhattisgarh at Bilaspur<sup>1</sup>. By the impugned order, which was passed on a petition under Section 482, Code of Criminal Procedure, 1973<sup>2</sup>, the High Court quashed proceedings arising out of a First Information Report<sup>3</sup> dated 29<sup>th</sup> November, 2016, bearing no. 608 of 2016 registered at Police Station – Mohan Nagar, lodged by the 1<sup>st</sup> appellant against the 2<sup>nd</sup> to 4<sup>th</sup>

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JATINDER KOUR  
Date: 2025.08.11  
18:34:41 IST  
Reason: 

<sup>1</sup> impugned order

<sup>2</sup> Cr. PC

<sup>3</sup> FIR

respondents for offences under Sections 3 and 4 of the Dowry Prohibition Act, 1961<sup>4</sup>.

3. While the 2<sup>nd</sup> appellant is the daughter of the 1<sup>st</sup> appellant, the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents are the father, mother and brother, respectively, of the 5<sup>th</sup> respondent.
4. The FIR was duly investigated, whereupon charge-sheet no.116/2018 dated 27<sup>th</sup> May, 2018 under Section 173(2), Cr. PC for the aforesaid offences was filed before the trial court.
5. It is not in dispute that the 1<sup>st</sup> appellant and the 2<sup>nd</sup> respondent had engaged in negotiations for solemnisation of marriage between the 2<sup>nd</sup> appellant and the 5<sup>th</sup> respondent. However, such negotiations did not lead to the marriage. It was alleged in the FIR that the negotiations failed because of the inability of the 1<sup>st</sup> appellant to meet the continuous demands for dowry raised by the 2<sup>nd</sup> respondent and the co-accused.
6. A Division Bench of the High Court recorded in paragraph '13' of the impugned order that the allegations contained in the FIR, even if they are taken at their face value and accepted in their entirety, do not *prima facie* constitute an offence under Sections 3 and 4 of the 1961 Act against the 1<sup>st</sup> to 3<sup>rd</sup> petitioners before it (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents herein) as the allegations "*are vague and omnibus in nature and no specific allegations are made against them*". However, the allegations levelled against the 5<sup>th</sup> respondent did not warrant quashing of the FIR insofar as he is concerned. Accordingly, in exercise of inherent powers, the FIR was

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<sup>4</sup> 1961 Act

quashed *qua* the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents, while it was sustained *qua* the 5<sup>th</sup> respondent.

- 7.** We have heard learned counsel appearing for the parties and perused the impugned order together with the FIR to ascertain as to whether the allegations levelled by the 1<sup>st</sup> appellant in the FIR did disclose any offence alleged to have been committed by the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents under the 1961 Act, and also as to whether the High Court was justified in returning the findings it did.
- 8.** *Inter alia*, the direct allegations against the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents appearing from the FIR are noted below:
  - i.** After the 5<sup>th</sup> respondent had met the 2<sup>nd</sup> appellant on 15<sup>th</sup> April, 2016 and expressed his willingness to marry her, the 4<sup>th</sup> respondent came to Durg on 4<sup>th</sup> June, 2016 to talk about the marriage and suddenly started asking for Rs. 10 lakh in marriage and a vehicle.
  - ii.** Having claimed Rs. 2 lakh in cash along with clothes, silverware and other articles, on the day the tilak ceremony was held, i.e., 10<sup>th</sup> July, 2016, the 2<sup>nd</sup> to 5<sup>th</sup> respondents were given the same by the 1<sup>st</sup> appellant as gift.
  - iii.** Consequent to negotiations and upon the date of marriage being fixed, a venue (Indralok Bhavan) was booked by the 1<sup>st</sup> appellant on 18<sup>th</sup> June, 2016 by paying Rs. 61,000/- as advance. A hotel (Sheetla) was also booked to accommodate the guests for two days upon due advance payment.

**iv.** On 21<sup>st</sup> August, 2016, in course of a telephonic conversation that the 3<sup>rd</sup> respondent had with the 1<sup>st</sup> appellant, she once again demanded Rs. 10 lakh and a car as dowry. The 1<sup>st</sup> appellant having refused to oblige, the 2<sup>nd</sup> to 5<sup>th</sup> respondents called off the marriage.

**9.** Having read the FIR as it is, we do find specific and definite allegations with particulars of dates and time being disclosed which, *prima facie*, contain ingredients of offences allegedly committed by the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents punishable under the relevant law. In fact, on a bare reading of the FIR, we are left to wonder what more was required of the 1<sup>st</sup> appellant to allege that could, in the view of the High Court, constitute full and fair disclosure of offences. In view thereof, we are at a total loss to comprehend as to how the FIR and the consequent proceedings against the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents could have been quashed by the High Court holding that the allegations against them are vague and omnibus in nature.

**10.** Learned senior counsel appearing for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents did not seek to justify the impugned order relying on the ground assigned by the High Court; instead, he sought to contend that the 1<sup>st</sup> appellant had made a misrepresentation to the 2<sup>nd</sup> respondent about the former's status. Our attention is drawn to page '19' of the counter affidavit to buttress the contention regarding misrepresentation. Also, the decision of this Court in **State of Haryana v. Bhajanlal**<sup>5</sup>, is cited and clause 7

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<sup>5</sup> 1992 supp. (1) SCC 335

of paragraph 102 thereof relied on to contend that the criminal proceedings having been manifestly attended with *mala fide* and instituted with an ulterior motive for wreaking vengeance, the High Court was justified in quashing the criminal proceedings.

**11.** We are in respectful disagreement with the aforesaid contentions for twin reasons. First, whether or not there has been misrepresentation is entirely a question of fact which cannot be decided at the stage when the inherent powers of the High Court are invoked for quashing of an FIR/criminal proceedings. Such a question obviously has to be left for a decision at the trial, if at all a defence to that effect is raised, and it would then be for the trial court to consider the same while it returns its findings on the question of guilt or otherwise. Secondly, the expression “manifestly attended with *mala fide*” following criminal proceedings, as appearing in clause 7 of paragraph 102 of **Bhajanlal** (supra) makes the position clear that *mala fide* must be manifest on the face of the FIR. The present case does not fall in that category. **Bhajanlal** (supra), therefore, does not aid the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents. Even otherwise, the FIR and the consequent proceedings were not quashed by the High Court on the ground that the same were manifestly attended with *mala fide* or that the proceedings were maliciously instituted with an ulterior motive for wreaking vengeance.

**12.** Having regard to the above, we find little reason to uphold the impugned order.

- 13.** The High Court having committed a serious error in entertaining the petition under Section 482 of the Cr. PC while exercising its inherent power and having occasioned a grave failure of justice in granting relief to the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents, the impugned order stands set aside.
- 14.** The criminal proceedings arising out of the subject FIR shall be taken to its logical conclusion, in accordance with law.
- 15.** None of the observations made hereinabove shall influence the trial court while it takes the proceedings further.
- 16.** The appeal, accordingly, stands allowed. No costs.

.....J.  
(DIPANKAR DATTA)

.....J.  
(AUGUSTINE GEORGE MASIH)

**NEW DELHI.  
AUGUST 08, 2025.**