2026 INSC 587

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2026**
(Arising out of Special Leave Petition (Criminal) No.18035 of 2025)

**ISHWAR CHAND SHARMA & OTHERS ... APPELLANTS**

***VERSUS***

**STATE OF UTTAR PRADESH & ANOTHER ... RESPONDENTS**

# J U D G M E N T

**NAGARATHNA, J.**

Leave granted.

2. The present criminal appeal has been preferred by the accused/appellants aggrieved by the impugned order dated 15.09.2025 passed by the High Court of Allahabad in Application U/S 528 BNSS No.34442 of 2025 wherein the High Court refused to quash the criminal proceedings against them, arising out of Complaint Case No.05 of 2025 pending adjudication before the Court of Special Judge (POCSO Act)/Additional Sessions Judge,

Meerut (hereinafter referred to as "trial court"). The said complaint was lodged by respondent No.2 (hereinafter referred to as "the complainant") under Sections 65, 74, 352, 351(2), 115 of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS") and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act").

***Factual Background:***

3. Briefly stated, the facts of the case are that accused/appellant No.1 is the husband of the complainant whereas the accused/appellant No.2 is the mother-in-law of the complainant. The accused/appellant No.3 and accused/appellant No.4 are sister-in-law and brother-in-law of the complainant respectively. The said accused/appellants hereinafter are collectively referred to as "the appellants". Appellant No.1 and his brother, one late Praveen got married to the complainant and her younger sister respectively in the year 2008 according to Hindu rites and ceremonies. A daughter, the prosecutrix, was born on 08.06.2009 out of the wedlock between appellant No.1 and the complainant, followed by a son thereafter.

3.1 Owing to matrimonial discord between the parties, in the year 2011, the complainant and her sister left the matrimonial home whereupon the care and custody of the two children of appellant No.1 and the complainant continued to be undertaken by the appellants. Following their separation, the parties were embroiled in multiple criminal and civil proceedings against each other. The allegations and claims contained in the said cases are not germane for the adjudication of the present case. Suffice it to say that the complainant had filed FIR No.93 of 2011 under Sections 498-A, 323, 324 of the Indian Penal Code, 1860 (hereinafter, "IPC") read with Section 3 and 4 of the Dowry Prohibition Act, 1961 in which appellants have been granted bail. A Complaint Case No.443 of 2013 had also been filed under Sections 12, 17, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005. Furthermore, Case No.134 of 2024 under Sections 326, 327, 323, 504, 506 and 354 IPC was filed by the complainant in which the appellants have obtained bail. On the other hand, appellant No.1 has filed a petition for divorce under Section 13(1) of the Hindu Marriage Act, 1955 being Case No.1325 of 2022. Furthermore, FIR No.105 of 2016, under Sections 307, 452, 323, 326 and 504 IPC, FIR No.238 of 2018 under Sections 302, 328 and 329 IPC and FIR

No.228 of 2024 under Sections 75, 352, 115(2), 351(2) and 351(3) BNS were filed against the complainant and her family. The list of said cases filed by the parties against each other have been placed in a tabular format below:

| S. No. | Case No. | Case Title | Sections |
|---|---|---|---|
| 1. | FIR No.93/2011 | State vs Ishwar Chand | 498A/323/324 IPC and 3/4 of Dowry Prohibition Act. |
| 2. | Complaint Case No.443/2013 | XXX vs Ishwar and ors. | 12/17/18/19/20/21/22 of the Domestic Violence Act. |
| 3. | FIR No.105/2016 | State vs Rahul and ors. | 307/323/504/326/452 of the IPC. |
| 4. | FIR No.238/2018 | State vs Ashok etc. | 302/328/329 of IPC |
| 5. | HMA No.1325/2022 | Ishwar Sharma Vs. XXX | 13(1) of Hindu Marriage Act. |
| 6. | FIR No.228/2024 | State vs Pankaj etc | 75/115(2)/ 351(2) /351(3)/352 of Bhartiya Nyaya Sanhita, 2023. |
| 7. | Complaint Case No.43/2024 | XXX vs. Ishwar and ors. | 65,74,352,351(3), 115 of BNS and section 3 & 4 of POCSO Act. |
| 8. | Complaint Case No.60/2024 | XXX vs Ishwar and ors. | 65, 74, 352, 351(2), 115 of BNS and Sections 3 & 4 of POCSO Act. |
| 9. | Complaint Case No.134/2024 | Pramita vs. Ishwar etc. | 326,327,330,504, 506, 354 and 120B of IPC. |
| 10. | CR No.660/2024 | Ishwar etc vs. Pramita etc. | 326,327,330,504, 506, 354 and 120B of IPC. |

3.2 Thereafter, on 10.09.2024, the complainant filed a complaint before the Special Judge (POCSO Act), Meerut, Uttar Pradesh against the appellants under Sections 65, 74, 115, 352, 351(2) of BNS and Sections 3 and 4 of POCSO Act alleging that the prosecutrix i.e. the minor daughter of the complainant and appellant No.1 was sexually harassed by the latter and appellant No.4 and was further abused and beaten up by the appellants. The allegations contained in the said complaint are encapsulated as follows:

i. Appellant No.1, the father of the victim, an alcoholic, used to make the prosecutrix watch pornographic videos and thereafter raped her when she was fourteen years old and subsequently, when the prosecutrix tried to complain about the said incident, she was brutally beaten up by appellant Nos.2 and 3.

ii. Appellant No.1 along with appellant No.2 tried to kill the prosecutrix and hence on 18.03.2024, she was forcefully sent to the house of appellant Nos.3 and 4 in Meerut.

iii. Appellant No.4 also raped the prosecutrix on multiple occasions and upon complaining about the same to appellant

No.3, the prosecutrix was verbally abused and sexually assaulted by appellant No.3 by beating her and inserting the handle of a hammer into her private parts.

iv. On 06.05.2024, the prosecutrix managed to run away from the house of appellant Nos.3 and 4 and thereafter called the complainant who then brought her to her home after which she became mentally and physically ill.

v. On 30.05.2024, a complaint was made by the complainant and the prosecutrix to the SSP, Meerut regarding the said incidents of sexual abuse and assault but no action was taken.

vi. On 03.06.2024, the prosecutrix along with her aunt went to Ghaziabad Court for the hearing of a dowry case where she met appellant No.1 who threatened the prosecutrix saying that if she did not withdraw her application, he would cut her into pieces and throw her into the canal. Upon hearing this, the prosecutrix became terrified and feared for her life and safety.

vii. Thereafter, the present complaint was filed on 10.09.2024.

3.3 Upon perusing the complaint, the Trial Court by order dated 07.02.2025 proceeded to take cognizance of the same which

culminated in Complaint Case No.05 of 2025 and thereafter, on 18.08.2025, the Court of Special Judge (POCSO Act), Meerut, Uttar Pradesh proceeded to issue summons to appellant Nos.1 and 4 under Section 65(1) BNS and Section 3/4 of the POCSO Act; and to appellant Nos.2 and 3 under Section 115(2) of BNS for the purpose of trial.

3.4 Aggrieved by the cognizance order dated 07.02.2025 and the summoning order dated 18.08.2025 in Complaint Case No.05/2025, the appellants preferred Application U/S 528 BNSS No.34442/2025 before the Allahabad High Court praying for quashing of the said orders.

3.5 By the impugned order dated 15.09.2025, the High Court refused to quash the summons and other proceedings arising out of the Complaint Case No.05/2025. While refusing to grant the reliefs sought by the appellants herein, the High Court observed that upon perusal of the statements made by the complainant and prosecutrix under Sections 223 and 225 of the Bharatiya Nagarik Surakshta Sanhita, 2023 (hereinafter referred to as "BNSS"), there appeared no material contradictions that went to the root of the matter so as to justify the quashing of criminal proceedings. It was

further observed that the statement under Section 223 of BNSS of the complainant supported the case of the prosecution and that the prosecutrix, in her statement under Section 225 of BNSS, had made specific allegations against appellant Nos.1 and 4 and therefore the issues were *prima facie* triable. It was further held that other defences raised by the appellants, such as, there being no medical examination of the prosecutrix, the complaint being a counterblast to the already long list of complaints and cross-complaints filed by the parties, could be adjudicated by the trial court after the conclusion of the trial. Lastly, with respect to allegations contained in the complaint against appellant Nos.3 and 4, the High Court directed them to prefer a discharge application at an appropriate stage before the trial court.

3.6 Aggrieved by the impugned order of the High Court, the appellants have preferred the present appeal. At this juncture, we find it apposite to mention that with respect to the appellants, the trial court had proceeded to issue non-bailable warrants directing them to appear before the Special Court on 18.12.2025. In the circumstances, this Court *vide* order dated 15.12.2025, had

directed stay of further proceedings arising out of Complaint Case No.05/2025.

***Submissions:***

4. We have heard the learned counsel for the appellants, learned counsel for respondent No.1-State and the learned counsel for the complainant.

4.1 Learned counsel appearing for the appellants submitted that the subject complaint was filed as a counterblast to exact revenge upon the appellants and was a part of a string of FIRs and complaints that were filed against them by the complainant to pursue personal vendetta and to harass them. It was argued that it was highly inconceivable, improbable and rather unimaginable that appellant Nos.1 and 4 who happen to be the father and uncle of the prosecutrix would outrage the modesty of the prosecutrix and rape her. It was further submitted that the allegations against the appellants contained in the complaint were vague, omnibus and general in nature as there was no date mentioned as to when the victim was subjected to her modesty being outraged, along with the fact that there was no medical report available on record to support any injury that was caused to her. Furthermore, it was

contended that a bare perusal of the statement of the prosecutrix revealed that she had been tutored and mentored by the complainant and hence the same deserved to be disregarded at the very threshold. Lastly, it was submitted that no explanation had been given by the complainant as to why she left her children at the matrimonial home when they were one to two years old, and made no efforts to meet them or seek their custody during the intervening period of fourteen years and hence a complaint after such a long period of time reeked of *mala fide* intentions and ran foul of the facts and circumstances of the case.

4.2 Learned counsel for the appellants submitted that the allegations contained in the complaint do not make out any offences in the instant case and the complainant has sought to wreak mayhem against the appellants herein by concocting false allegations against them which are serious in nature. A reading of the complaint in juxtaposition with the provisions of the Act on the basis of which the offences are alleged against the appellants would clearly indicate that the said offences are not at all made out against the appellants herein. Learned counsel for the appellants

therefore submitted that the impugned order may be set aside and this appeal may be allowed.

5. *Per contra,* learned counsel for respondent No.1-State vehemently opposed the plea of the appellants and submitted that the impugned order of the High Court is perfectly valid and is in accordance with the settled principles of law and therefore does not merit any interference by this Court. It was submitted that as per the statements of the complainant and the prosecutrix recorded under Sections 223 and 225 of BNSS respectively, it was apparent that the appellants had thrown the complainant out of her matrimonial home; that appellant No.1 was an alcohol addict, who used to show indecent videos to the prosecutrix after which he proceeded to rape her. Furthermore, placing reliance upon the said statements, learned counsel submitted that appellant Nos.2 and 3 assaulted the minor prosecutrix and threatened to kill her if she disclosed any of the said incidents to anyone. Learned counsel also submitted that appellant No.4 was also guilty of sexually assaulting the prosecutrix on multiple occasions when she was residing with him in Meerut. Subsequently, when she tried to complain about his acts to appellant No.3, she was further

harassed and abused after which appellant no.3 inserted the handle of a hammer inside her vagina. Finally, it was forcefully contended that having regard to the facts and circumstances of the present case and bearing in mind the seriousness of the allegations and averments made against the appellants, it was not a fit case for the grant of relief of quashment of the proceedings but rather this Court should permit the trial to continue and allow it to reach its logical conclusion.

5.1 Learned counsel for the complainant vehemently argued that the allegations of sexual abuse against the appellants have no connection with the ongoing matrimonial and other disputes between the parties. It was submitted that since the children were in the sole custody of the father and his family, she had no proximity or occasion to tutor or manipulate them. Rather, it was argued at the bar that the minor child was taken away from appellant No.1's house by appellant No.3 after which she was subjected to repeated sexual abuse by appellant No.4. It was contended that the prosecutrix's statement recorded by the Special Judge has been consistent with the case of the prosecution and therefore the defence of the appellants regarding the absence of

medical evidence and the possibility of tutoring by the complainant of the prosecutrix could only be gone into after the commencement of the trial. Lastly, learned counsel for the complainant submitted that medical examination of the prosecutrix not being done is not fatal to the case of the prosecution as there are offences under the POCSO Act that may not result in any physical injury and therefore keeping the facts and circumstances of the present case in mind, it would be in the interest of justice if this appeal preferred by the appellants is dismissed.

***Offences Alleged:***

6. Having heard the learned counsel appearing for the respective parties and upon a careful perusal of the material placed on record, we note that in order to understand the nature of the offences and to correlate the same with the allegations contained in the said complaint, the relevant provisions under the BNS as well as the POCSO Act are necessary to be extracted hereunder:

> "**65. Punishment for rape in certain cases.**—(1) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim."

6.1 Section 74 of the BNS provides for definition and punishment for assault or use of criminal force to a woman with the intent to outrage her modesty. The relevant provision is extracted as hereunder:

"**74**. **Assault or use of criminal force to woman with intent to outrage her modesty.**—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine."

6.2 Section 115 of the BNS provides for definition and punishment for voluntary causing hurt. The relevant provision is extracted as hereunder:

"**115. Voluntarily causing hurt.—**(1) Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

(2) Whoever, except in the case provided for by sub-section (1) of section 122 voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both."

6.3 Section 351 of the BNS provides for definition and punishment for criminal intimidation. The said provision is extracted as hereunder:

"**351. Criminal intimidation.—**(1) Whoever threatens another by any means, 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

(2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(3) Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 107 imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with

imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

6.4 Further, Section 352 of the BNS provides for definition and punishment of intentional insult with the intent to provoke breach of peace. The said provision is extracted as hereunder:

"**352. Intentional insult with intent to provoke breach of peace.—**Whoever intentionally insults in any manner, 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."

6.5 Lastly, Sections 3 and 4 of the POCSO Act provide for the definition of penetrative sexual assault and its punishment thereof. The said provisions are reproduced as follows:

"**3. Penetrative sexual assault.—**A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

**4. Punishment for penetrative sexual assault.—**(1) Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim"

6.6 Before proceeding with the facts of the case, it is pertinent to underline key ingredients of the sections extracted above. An act or an omission to be considered punishable as an offence as per Section 65 of BNS has to satisfy the rigours of Section 63 of BNS. Since the ingredients of Section 63 (a to d) of BNS and Section 3 of the POCSO Act are in *pari materia*, they shall be dealt conjunctively. To establish the offence of rape as per the POCSO Act, the prosecution has to satisfy two key ingredients: first, there was sexual assault and second, the said sexual assault was against a minor. Sexual assault is defined in sub-clauses (a), (b), (c) and (d)

of Section 3 of POCSO Act which explains that sexual assault is committed when a person either penetrates his penis into vagina, mouth, urethra or anus of a child or inserts any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or applies his mouth to the penis, vagina, anus, urethra of the child. If the act of a person is proved to fall within any of the aforementioned four categories, he is liable to be punished under Section 4 of POCSO Act.

6.7 Now, coming to Section 74 of BNS, the said section penalises any act or omission that outrages the modesty of a woman. To apply the said Section, there must be an assault or use of criminal force on a woman. Such assault or use of criminal force must be made with an intention to outrage her modesty or with the knowledge that her modesty is likely to be outraged. Mere knowledge that the modesty of a woman is likely to be outraged is sufficient without any deliberate intention. Therefore, the essential ingredients of the offence punishable under Section 74 of BNS are that the person assaulted should be a woman, and the accused

must have used criminal force on her intending thereby to outrage her modesty. The ultimate test for ascertaining whether the modesty of a woman has been outraged, assaulted, or insulted is that the action of the offender should be such that it may be perceived as one which is capable of shocking the sense of decency of a woman.

6.8 Section 115 of BNS penalises the act of voluntarily causing hurt whereby any voluntary act or omission either causes bodily pain, disease or infirmity. There must be some kind of hurt, voluntarily inflicted. A person can be convicted only when the prosecution is able to prove that the said acts were done intentionally or with knowledge that such acts would cause hurt to the victim. Coming to Section 351 of BNS, it defines and punishes the offence of criminal intimidation. The Section is divided in two parts: the first part refers to the act of threatening another with injury to his person, reputation or property or to the person or reputation of anyone in whom that person is interested; while the second part refers to the intent with which the threatening is done and this is further classified into two parts wherein the first part relates to one's intent to cause alarm to the person threatened and

the second is 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 threat.

6.9 Lastly, Section 352 of BNS seeks to punish a person who intentionally insults to provoke breach of peace. The offence contemplated by this Section requires intentional insult and the said insult must be such as to give provocation to the person insulted. Furthermore, there should be intention or knowledge that such provocation would cause or is likely to cause the person so insulted to break public peace or to commit any other offence. Mere abuse, unaccompanied by an intention to cause breach of peace or knowledge that breach of peace it is likely to be caused does not come within the ambit of this section.

***Discussion:***

7. Coming to the facts of the present case, upon a bare perusal of the allegations made in the complaint preferred by the complainant, it is seen that serious and grave sexual offences have been alleged against the father i.e. appellant No.1 and uncle i.e appellant No.4 of the prosecutrix-minor daughter whereas the

complainant has alleged the offence of hurt and criminal intimidation against appellant Nos.2 and 3 who are the grandmother and aunt respectively of the prosecutrix.

7.1 We shall first deal with the allegations of sexual assault made against appellant Nos.1 and 4. Learned counsel for respondent No.1-State and the complainant respectively vehemently alleged that appellant No.1 is an alcoholic and he had raped the minor prosecutrix when she was fourteen years of age. Upon carefully examining the said allegation in conjunction with the materials produced before this Court, we do not find any basis upon which the said allegations have been made. To establish the case of rape punishable under Section 65 of BNS or Section 4 of POCSO Act, the prosecution has to satisfy the ingredients contained in the said Section i.e the alleged acts fall within one of the four categories as laid down in sub-clauses (a), (b), (c) or (d) of Sections 3 and 4 of POCSO Act. In other words, the material on record has to *prima facie* show that there was either penetration, insertion of penis or any object or application of mouth or any other such act committed by the accused upon the prosecturix. Therefore, in order to invoke the offence of rape, one has to *prima facie* establish that there were

specific positive acts committed by the accused persons so as to fall under one of the four categories as defined under Section 63 of BNS or Section 3 of POCSO Act. Upon a perusal of the complaint filed by the complainant, this Court is unable to discern any specific act or series of acts that have been allegedly carried out by appellant Nos.1 or 4 against the prosecutrix so as to qualify as rape as defined under Section 63 of BNS.

7.2 The complainant merely alleged that the appellant No.1 was a habitual drinker and had raped the prosecutrix. Nothing has been said about the date of the alleged incident. Furthermore, no detail has been mentioned as to the alleged rape or what were the series of acts that led to the alleged acts or what was the prosecutrix's response after the alleged behaviour. Upon further examination of the complaint, it is apparent that the allegation of rape is a generic one. A blanket statement stating that appellant Nos.1 and 4 had raped the prosecutrix, cannot, without any other supporting material, be considered sufficient to invoke such a grave and serious charge against them. We underline that although any complaint or FIR cannot be an encyclopaedia so as to contain even the minutest of details but nevertheless, a complaint cannot

be filed with allegations and averments when the same have not been backed by any specific factual detail or *prima facie* material evidence. Therefore, by merely stating that the prosecutrix was raped by appellant Nos.1 and 4, the Courts cannot set into motion the wheels of criminal prosecution. The Courts have to be extremely careful before taking cognizance of complaints made while invoking the provisions of rape, especially in cases where parties have already been heavily embroiled in matrimonial litigation, since the scope of manipulation, fabrication and vexatious litigation is exponentially high due to pre-existing bad blood between the parties who are often emotionally charged against one another and allegations of rape becomes an aid towards arm twisting tactics.

7.3 In the present case, the appellants and the complainant already have more than ten civil and criminal cases pending against each other. A casual invocation of a grave charge of rape, that too, against the father of the prosecutrix, carries with it a greater social taboo and stigma that cannot be washed off easily. A man is a sum total of his reputation and how he is perceived in the society. Such perception cannot be distorted by a mere casual

invocation of law that has the potential of ruining his reputation, social status and public image. A blanket statement, without narrating any ancillary act or *post facto* development, in our judicial conscience cannot be allowed to stand against the father and uncle in the instant case. Mere throwing an allegation of a grave and serious nature without any other supporting factual detail cannot *per se* result in setting in motion a criminal proceeding against the accused.

7.4 At this juncture, we find it pertinent to mention that the prosecutrix had been living with the appellants for a considerable period of time and was fourteen years of age when the impugned complaint was filed alleging the aforesaid acts. Before the filing of the said complaint, there has not been even a whisper of any allegation of sexual misconduct against either appellant No.1 or 4 whereas it was only after multiple FIRs and complaints that were filed by the parties against each other, that the present Complaint No.05/2025 was filed before the Special Court. Therefore, after carefully considering and distilling the averments made in the complaint along with the surrounding attenuating circumstances, this Court is of the opinion that merely stating that appellant No.1

raped his daughter, is not sufficient to allow the impugned complaint to sustain especially when there is dearth of material facts and preliminary evidence on record to even form a *prima facie* opinion.

7.5 Similarly, upon perusing the materials and documents on record, this Court is able to discern that the complainant alleged that appellant No.4 (uncle of prosecutrix), upon hearing about the allegation of rape allegedly committed by appellant No.1 upon the prosecutrix, himself proceeded to rape her on multiple occasions. However, upon close inspection, we again find that the said allegation in the complaint has not been supported by any other document or material evidence on record. To support the said allegation, learned counsel for the complainant has placed reliance upon the statement of the prosecutrix recorded by the Special Judge. Upon perusal and close scrutiny of the said statement of the prosecutrix, this Court cannot but notice that the said statement, is almost word by word similar to what the complainant has stated in her complaint recorded by the Special Judge which indicates the possibility of tutoring at the hands of the complainant and her family. The contention of the counsel for the complainant

that she did not have custody or any access to the child so as to allow for any fruitful or meaningful interaction to allow for such tutoring or manipulation does not impress us because as per the records of the case and as per the admission of the complainant and prosecutrix, the minor girl had left the house of the appellants' on 06.05.2024 and has been in custody of the complainant since then, whereas the complaint was filed before the Special Judge only on 10.09.2024 i.e. four months later.

7.6 Furthermore, the statements of the complainant and the prosecutrix were recorded by the Special Judge only on 28.02.2025 and 18.03.2025 respectively i.e nearly six to seven months from the date of transfer of custody of the prosecutrix from the appellants to the complainant and therefore giving ample time and opportunity to the complainant and her kin to sway and colour the mind of the prosecutrix, who, due to her tender and impressionable age was prone to such tutoring and mentoring. It is reiterated that upon a reading of the complaint dated 10.09.2024, complainant's statement dated 28.02.2025 and prosecutrix's statement dated 18.03.2025, it becomes clear that the same facts have been narrated in all the three documents in the exact same order, tone

and vigour. There has been no alteration, addition or subtraction from either of the three statements making each of them virtually identical to one another. This is not a case of there being consistency in all the statements but a case of verbatim reproduction of statements almost parrot-like, as a result of tutoring by the complainant and possibly her family.

7.7 Keeping the surrounding circumstances in mind, along with history of litigation between the two parties, one cannot brush away the contention of learned counsel for the appellants that the said complaint is a figment of imagination and is a piece of fiction created by the complainant so as to implicate the appellants herein and thereby prejudice the Courts in other proceedings. It is trite that whenever an event is recounted and narrated by different witnesses at different points of time, there are usually dissimilarities, even contradictions that might crop up due to lapse of memory with the passage of time and such other circumstances. There would not be a photogenic or verbatim repetition of facts. But in the present case, the statements reflect a stark repetition of the same facts in the same order which gives an impression to this Court that the same is a deliberate attempt to concoct facts with

collaboration, narrated with an oblique motive against the appellants herein and therefore strikes at the very root of the case of the prosecution.

7.8 Now, we turn our attention to the allegations made against appellant Nos.2 and 3. Learned counsel for the complainant has vehemently argued that the allegations qua the said appellants are grave and serious in nature. From a perusal of the record of the case, it is apparent that appellant No.2 is the grandmother of the prosecutrix against whom it has been alleged that after the alleged acts of rape were committed by appellant Nos.1 and 4 on the minor granddaughter, appellant Nos.2 and 3 abused the prosecutrix in filthy language and then, in order to coerce her into silence, she was beaten up by both of them. Furthermore, it has been alleged that when the prosecutrix complained about the alleged rape committed by appellant No.4, appellant No.3, his wife, proceeded to abuse the prosecutrix and thereafter inserted the handle of a hammer into her vagina. These allegations, no doubt grave and serious in nature, fly in the teeth of the surrounding facts and circumstances of the case and material available on record. It is trite law that in order to establish an offence of voluntarily causing

hurt, punishable under Section 115 of BNS, prosecution has to satisfy the key ingredients of the said Section, that is to say, the prosecution has to produce material in order to show *prima facie* that bodily pain, disease or infirmity was caused by the accused persons, in order to qualify as voluntarily causing hurt. It is observed that no material in terms of an injury report or any medical report has been filed so as to further substantiate the said allegations. In this regard, the prosecution has produced merely the statements of the prosecutrix and complainant to substantiate their claims. Although production of an injury report is not a *sine qua non* for proving an offence under Section 115 of BNS and even if there are no visible injuries, the offence has to be established by other evidence to show that bodily pain, disease or infirmity was caused but at the same time, a trial cannot be allowed to proceed merely on a bald statement of allegation that the prosecutrix was hurt when no other detail or specific acts have been mentioned or alleged. A mere bald allegation without any supporting detail or materials cannot straight away lead to setting criminal law in motion.

7.9 The complainant has further failed to produce any material in support of the allegations of abuses meted out by appellant Nos.2 and 3 to the prosecutrix. It has been merely stated that she was abused and threatened that she may be killed. It has been time and again held by this Court that in order to establish an offence of criminal intimidation punishable under Section 351 of BNS merely stating that the victim was abused is not sufficient. For the essential ingredients to satisfy invocation of the said offence, the prosecution has to produce material to the effect that the accused specifically threatened the victim and that such threat consisted of some specific injury to his person, reputation or property or to the person, reputation or property of someone in whom he was interested. It further needs to be satisfied that the said specific act or omission was done with an intent to cause alarm to that person or to cause that person to do any act which he was not legally bound to do or to omit to do any act which he or she was legally entitled to do. A plain reading of the complaint reveals that the same did not specify the abusive words used or anything specific that was said to the prosecutrix. Rather, it has been merely stated that appellant Nos.2 and 3 abused and threatened the prosecutrix. No material has been produced which specify what the threat

actually was, how the said threat was carried out and what was actually stated in terms of the threat. Vague and general allegations are not sufficient to sustain criminal charges formed under the said provision as there have to be cogent facts, discernible from the general accusation so as to show that the said threat was meted out to the prosecutrix, without which, this Court cannot allow continuance of criminal prosecution against the appellants herein.

7.10 With respect to Section 352 of BNS, the prosecution has failed to place any material on record which supports its allegation that there was any intentional insult made towards either the prosecutrix or the complainant that would in turn, lead to breach of peace. The Section is intended to deal with persons who are responsible for breach of peace or commission of acts that incite or abet any such incident of breach of peace. The material placed before us fails to demonstrate how alleged abuses that were uttered to the prosecutrix led to breach of peace. Nothing has been specified so as to what the alleged abuses were. Mere unspecified and vague allegation of abuse unaccompanied by any intention to cause breach of peace or knowledge that breach of peace is likely

to occur does not come under the ambit of this Section and therefore the prosecution, with respect to the said Section cannot be allowed to proceed as the same tantamounts to an abuse of the process of law.

7.11 Furthermore, it has been vehemently argued by learned counsel for the complainant that as against appellant No.3 the allegation that she inserted a hammer rod into the vagina of the prosecutrix is specific and grave in nature and owing to the gravity of the said offence, the appeal should be dismissed. Although, we agree that the said allegation by itself is very grave and serious, we fail to find any substance in the same as it has not been substantiated by any other material, either documentary or otherwise on record. The act of insertion of a hammer rod is a very serious and critical act that can cause a very grave injury to the victim for which she might require immediate medical attention and treatment. However, the prosecution has failed to place on record any medical evidence in the form of a medical report to substantiate the said injury or to show that any medical assistance was provided to the prosecutrix. The prosecution has also failed to elaborate upon the aftereffects of the alleged injury. Rather, it has

been merely stated that after the said alleged offence was committed against her, the prosecutrix was disturbed physically and mentally. No specific details have been mentioned about whether the prosecutrix was taken to the hospital especially when it is stated by the complainant that after the said incident, the prosecutrix left the house of the appellants and began living with the complainant. It is but natural that upon narration of the said incident by the prosecutrix to the complainant, the first instinct of any parent would have been to have a medical examination of the prosecutrix so as to prevent any further medical complication being caused to her. However, nothing has been placed on record to show that the prosecutrix was made to undergo any medical examination. In fact, the same is true with respect to the offence of rape alleged against appellant Nos.1 and 4. No medical evidence has been annexed to further substantiate the said allegations. It has been contended by counsel for the complainant that a conviction can be based upon the sole testimony of the prosecutrix but we observe that each case has to be determined and adjudicated upon bearing in mind the peculiar facts and circumstances of that case. In the present case, the statement of the prosecutrix also has not been able to convince us so as to

permit the trial against the appellants to go on as the same, in our opinion, would be against the interest of justice and would tantamount to an abuse of the process of law.

8. At this juncture, we find it pertinent to make reference to the recommendations and observations made by the Justice J.S. Verma Committee Report on "Amendments to Criminal Law" that was submitted on January 23, 2013. In the said report, the Committee underlined the importance of the medical examination and medical reports of rape victims wherein the Committee opined as under:

> "19. We are also of the opinion that the medical examination report must be prepared, preferably immediately after the examination, but most certainly on the same date as the examination and must be forwarded to the investigating agency forthwith without delay. The DNA and other samples should be sent to the concerned Forensic Science Labs or DNA Profiling Centres within two days of the incident. We are also of the opinion that any dereliction of duty on part of the examining doctor(s) to undertake the medical examination properly and forwarding the report to the IO without any delay, and any dereliction of duty on the part of the investigating agency in collecting the report or causing the victim to be taken to the nearest hospital for examination, would be punishable as offences (in respect of the investigating agency) and by way of disciplinary proceedings (in respect of the examining doctor)."

Such is the importance of the medical report and medical examination in real time as it ensures timely collection of forensic evidence, ensuring immediate health care and aid to the victim and assisting in the progress of the legal proceeding in order to link the offence to the accused person. But, in the present case, absence of medical examination of the prosecutrix is fatal to the case of the prosecution as the allegations have not been supported, even remotely by any other corroborative material and therefore, in our view, continuation of criminal proceedings in the face of such glaring contradictions as noticed above does not subserve the interest of justice.

8.1 Keeping the aforesaid observations and judicial dicta laid down by this Court in mind, coupled with the lapses on the part of the prosecution, the allegations against the accused-appellants seem highly improbable and implausible, and therefore it is neither expedient nor in the interests of justice to permit the continuation of the present prosecution emanating from Complaint Case No.05/2025.

8.2 In this regard, it would be apposite to rely on the judgment in the case of ***State of Haryana vs. Bhajan Lal, 1992 Suppl (1)***

***SCC 335 ("Bhajan Lal")*** with particular reference to paragraph 102 wherein this Court observed as under:

> "102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power Under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.
>
> (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the Accused.
>
> (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
>
> (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the Accused.
>
> (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer

without an order of a Magistrate as contemplated Under Section 155(2) of the Code.

(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.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the Accused and with a view to spite him due to private and personal grudge."

8.3 On a careful consideration of the aforementioned judicial dictum, we find that the offence alleged against the appellants herein are not made out and therefore, the judgment of this Court in the case of ***Bhajan Lal*** squarely applies to the facts of this case having regard to sub-paragraphs 3, 5, and 7, and therefore, this Court, in exercise of its discretion on the facts of this case deems it neither expedient nor in the interest of justice to permit the continuation of the present prosecution emanating from Complaint Case No.05/2025. Hence, the criminal complaint and the

proceeding emanating from it are liable to be quashed. At this juncture we hasten to observe that the observations made during the course of this judgment by this Court are strictly confined to the facts and circumstances of the present case and in no way should they be construed to apply generally to other cases wherein similar allegations may have been made against accused persons genuinely. We say so while being mindful of the fact that rape and sexual abuse of minors and violence against women and children remain one of the most gruesome and violent examples of human nature that shake the very conscience and moral fabric of the society. Therefore, courts and public authorities should come down heavily upon perpetrators of such offences, and such cases should be dealt with swiftly and vigorously to serve the interests of justice.

***Rising Trend in Vexatious Litigation:***

9. In the backdrop of the facts of the present case, we wish to underline a worrying trend that has come to our attention. Parties involved in matrimonial or commercial relationships with one another are resorting to filing of frivolous and vexatious claims and allegations of a criminal nature to settle personal scores and grudges against each other and therefore turn to nefarious/oblique

means to attain the said objective. We also painfully take judicial cognizance of the fact that the courts of law are being misused and overburdened by such vague and vexatious litigations between spouses as many a times, the recourse to law and police is taken, in an oblique way so as to antagonise, pressurise, hound and harass the other spouse and their family members in order to retaliate and exact revenge that is carried out due to sheer hatred and disdain for the said spouse and their family members.

9.1 While we are cognizant of the fact that there are genuine and *bona fide* cases in the courts wherein the aggrieved parties are genuinely looking for relief and respite from the actions and omissions of their spouses, that often require immediate care and attention of the courts of law and public authorities, such cases get frequently overshadowed and obscured by the overwhelming number of false and frivolous cases filed by spouses against one another as an 'arm-twisting' method so as to reach a more favourable outcome or settlement or more lucrative monetary settlement. The onus is on courts to be careful and cautious so as to separate the wheat from the chaff and separate the genuine cases of matrimonial oppression, rape and offences against women

from the cases wherein the legal process and procedure is being used as a tool to file false and frivolous cases out of vengeance. While doing so, care should be taken to ensure that the rights and freedoms of innocent parties are not trampled or arbitrarily taken away by unscrupulous and baseless litigation.

9.2 We are conscious of the fact that there are many instances where women are gravely affected by matrimonial disputes and violence that they have to endure at the hands of the spouse and in-laws and other family members. Such cases deserve our utmost attention and judicial scrutiny so as to make sure that the ends of justice are met and the offenders do not go scot-free and rather get the punishment they deserve. However such a zeal to meet the ends of justice should be countenanced, by courts of law and executive authorities of the State, with a pragmatic approach bearing in mind the recent trend of criminal litigation in this country wherein the legal machinery and statutes are being used as a tool by mischievous litigants so as to create unnecessary hurdles and punish unsuspecting and often innocent citizens particularly in the sphere of matrimonial disputes. The litigating parties and their advocates should also be cognizant of the fact that such vexatious

filing of false and frivolous claims and cases cast unnecessary burden on the already overburdened machinery and apparatus of the State and Judiciary. This factor also diverts the attention of courts and its resources whereas genuine cases of the parties with actual verifiable grievances are not being able to be adjudicated in time owing to the time spent in adjudicating upon phantom claims of mischievous litigators seeking to create litigation out of thin air or in the absence of a cause to do so.

9.3 One particular offshoot or a species of vexatious and frivolous litigation is in family disputes, particularly, a 'matrimonial bouquet' that is presented by the estranged wife against the husband and his family out of personal animosity and spite once the relationship turns sour and rancorous and *vice versa*. This 'matrimonial bouquet' often includes claims of dowry demands; cruelty under 498A IPC; harassment by in-laws and domestic violence, made by the complainant against her spouse and in-laws. This set of cases frequently include bogus and empty allegations and false claims of harassment, cruelty and marital hardships that, more often than not, contain little to no substance at all and are usually not backed by any material or other documentary

evidence. A tell-tale sign of such vexatious cases is that often they contain vague and sweeping general allegations that are not specific in nature but rather are aimed at arraying several family members if not all of the spouse's family, including those who are old and ailing, as accused and consequently cast the prosecution net as wide as possible by invoking multiple provisions of law by using general, vague and omnibus allegations that are not backed either by fact or law. We say so while being mindful of the fact that although any complaint or a FIR is not an encyclopaedia of evidence and factual circumstances so as to contain all details of the alleged incident, by no means can it be a general conglomeration of statements made by the disgruntled spouse with a *mala fide* intent, containing little or no details of the alleged criminal acts that often lack a chronology of events. Further, sweeping allegations and vexatious claims often fail to highlight and elaborate upon how the alleged acts happened, the manner in which such acts were undertaken, the aftermath of such incidents etc.

9.4 In this regard, we would be remiss to not highlight the recent upswing in the false and frivolous matrimonial cases which have

unfortunately brought to the fore the uglier side of litigation. A recent trend in this regard is when the wife resorts to filing false complaints and cases under POCSO Act alleging that the husband, who is also the father of the minor child, has committed wanton acts which are sexual in nature especially against the minor daughter. At the centre of this sort of litigation is a child who is often used by her mother against her father, against her will and wishes, so as to make false and vexatious complaints against her father and other male members of her paternal family in order to exact revenge or as an arm-twisting tactic to obtain a higher monetary settlement or to simply harass.

9.5 There are also instances where in cases of enmity between the members of a family, between neighbours or business partners or associates, or even between borrowers and lenders of financial assistance, a weapon of harassment being resorted to is a complaint under the POCSO Act at the instance of a parent of a child (in most cases being the daughter) so as to wreak vengeance or to get over civil disputes between the parties by a subdued accused under the said Act yielding to the demands of the complainant. Also, the threat of a false complaint under the POCSO

Act is used as a means to escape legal consequences arising out of a commercial transaction, a matrimonial dispute or such other disputes.

9.6 While we are conscious of the fact that there are instances and a plethora of cases that are true and deserve the utmost attention and deft handling on the side of authorities and Courts and which should be pursued vigorously to reach a logical conclusion, on the other side of the spectrum, are cases invoking such serious and heinous allegations which are prima facie vague, omnibus and general in nature and thereby lacking any material backing or evidence which should be shunned at the very threshold. We say so for the reason that if a person is made an accused and forced to face a criminal trial on general and sweeping allegations without bringing on record any specific instances of criminal conduct, it would tantamount to an abuse of the process of law and court. Hence, legal practitioners who tender advice in such cases must restrain parties from filing such false/frivolous complaints when requested to do so. Further, lawyers/advocates must also not advise filing of criminal complaints which are false/concocted so as to keep the opposite parties under a tight

leash so that they could come forward for a settlement on the terms dictated by their parties or else, to face a criminal prosecution which can prolong for years. When such is the trend, on the other side, efforts are made to seek anticipatory bail by persons apprehending arrest owing to a false/frivolous complaint being lodged which sometimes reach the portals of this Court after being unsuccessful at the level of the trial court and High Court. Also, steps are taken for seeking quashing of such false/frivolous complaints before the High Court which has its own saga of uncertainties causing undue pressure, harassment, stress and tension on the so-called accused. The consequence of all this is docket explosion and burden on Courts resulting in genuine complaints and cases not being given due time and attention that they need.

9.7 Courts then owe a duty to subject the allegations levelled in the complaint to a thorough scrutiny to ascertain if a *prima facie* case is made out or not, and whether there is any kernel of truth in the allegations or whether the said allegations have been made only with the sole intent of spite so as to harass the opposite party with a prolonged process of criminal litigation, arrest and

sometimes a conviction which later on may result in an acquittal by a higher Court or in a worse case, no relief at all being given to an innocent party. This stands more true when prosecution arises from a matrimonial dispute.

9.8 We are also cognisant of the fact that a genre of matrimonial litigation is on the rise in this country which inevitably includes, within its ambit, a rise in filing of false, frivolous and vexatious cases with a mala fide intent and ulterior motive to wreck havoc and vengeance on the spouse and in the bargain seek the best compromise. Therefore, the Courts have to exercise utmost caution and restraint while entertaining such suits and criminal proceedings as any misstep and overreach can have a cascading effect on the health, both mental and physical, of the parties involved and the sanctity of the institution of marriage itself. At this juncture, we find it appropriate to quote the observations of this Court in ***Dara Lakshmi Narayana vs. State of Bihar, (2025) 3 SCC 735*** which is extracted as under:

> "27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's

family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members…

xxx

30. … 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 the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."

9.9 In this aspect, we also find it pertinent to highlight some important reflections made in ***Geddam Jhansi vs. State of Telangana, 2025 SCC OnLine SC 263*** wherein this Court, speaking through one of us, observed:

"31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with

> equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. …"

10. Before parting we observe that Indian society treats the institution of marriage as sacrosanct and as a sublime union of two individuals. This status or position ascribed to marriage comes from deep historical and sociological roots where the institution of marriage is considered the very foundation of society and family being the most fundamental social unit and conglomeration of humans.

10.1 Vexatious litigation in the realm of matrimonial disputes based on frivolous and false allegations should be discouraged by the courts and the members of the bar. Advocates ought to advise their clients against the initiation of frivolous criminal proceedings against their spouses rather than encouraging them to do so. In this aspect, we find it appropriate to quote the observations of this Court in ***Achin Gupta vs. State of Haryana, (2025) 3 SCC 756*** wherein this Court observed that:

> "… the learned members of Bar have enormous social responsibility and obligation to ensure that the social fiber

> of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases."

10.2 It is pertinent to underscore the important role played by the legal fraternity in bringing down the overall pendency of the cases in the Family Courts and criminal cases which are an adjunct to matrimonial disputes by weeding out unimportant and vexatious proceedings undertaken in pursuance of a personal vendetta by unscrupulous litigants so as to fillip attention of the courts towards genuine litigation and pressing issues and adjudication of claims. This would lead to increasing the overall efficiency and disposal of cases while at the same time preventing infraction of the interests of justice and abuse of process of law.

11. In the aforementioned circumstances, keeping the judicial dicta laid down by this Court in mind, the impugned order dated 15.09.2025 of the High Court is set aside and consequently,

Complaint Case No.05 of 2025 dated 10.09.2024, cognizance order dated 07.02.2025 and the summoning order dated 18.08.2025 before the Court of Special Judge (POCSO Act)/Additional District & Sessions Judge, Meerut thereto stand quashed *qua* the appellants herein.

11.1 It is needless to observe that the observations made in the present appeal shall not come in the way of any matrimonial or other proceedings pending between the parties herein which shall be decided on their own merits and in accordance with law.

11.2 The appeal is allowed in the aforesaid terms.

**.....J.**
**(B.V. NAGARATHNA)**

**.....J.**
**(UJJAL BHUYAN)**

**NEW DELHI;**
**MAY 29, 2026.**