ABC 2025(I) 508 SC
ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Vikram Nath, Sanjay Karol & Sandeep Mehta, JJ.)

Criminal Appeal No. ..... of 2025
(Arising Out Of Special Leave Petition (Crl.) No(s). 7968 of 2016)
(From Karnataka High Court)
Decided on : 28 January 2025

RAMPAL GAUTAM & OTHERS ***- Appellant(s).***

Versus

STATE & ANOTHER ***- Respondent(s).***

Law Covered :- (A) Criminal Procedure Code – Section 482 (BNSS, 2023 – Section 528) – Indian Penal Code – Sections 498A, 323, 506 (Bharatiya Nyaya Sanhita, 2023 – Sections 85, 115(2), 351 (2)/ (3)) – Quashing of Criminal Proceedings – Allegations of cruelty & harassment for dowry – FIR registered under Sections 498A, 323 & 506 IPC – No specific allegations against father-in-law & brother-in-law in initial complaint or statements – Subsequent improved version after eight years – Application for further investigation under Section 173(8) CrPC filed belatedly – High Court directed further investigation – Held, High Court erred in directing investigation at a belated stage – No justification for allowing the complainant to improve initial version – Accused were residing separately – Impugned order quashed. (Paras 1-34)

(B) Criminal Procedure Code – Section 319 (BNSS, 2023 – Section 358) – Summoning of Additional Accused – Complainant testified in trial – No allegations against in-laws in initial deposition – Deferred examination-in-chief introduced vague allegations – Held, complainant had the liberty to file application under Section 319 CrPC for summoning additional accused, but no grounds existed – Trial court justified in rejecting further investigation request. (Paras 25-30)

(C) Criminal Procedure Code – Section 173(8) (BNSS, 2023 – Section 193) – Re-Investigation at Advanced Stage – Application for further investigation filed after framing of charges & commencement of trial – No fresh material to justify reopening of investigation – Held, direction for re-investigation at such a late stage was unjustified – Accused cannot be subjected to prolonged harassment – Application rightly rejected by Magistrate. (Paras 18-24)

Facts :- *The complainant filed an FIR against her husband & in-laws under Sections 498A, 323 & 506 IPC, alleging cruelty & harassment*

for dowry. During the initial investigation, no material was found against the in-laws, & the chargesheet was filed only against the husband. The complainant later filed an application under Section 173(8) CrPC seeking further investigation to implicate the in-laws, despite no new evidence. The trial court rejected the application, noting the absence of allegations in the initial depositions. However, the High Court directed further investigation. The Supreme Court observed that the High Court's order was erroneous as it allowed the complainant to improve upon her case at a belated stage. It held that the in-laws were residing separately & no specific evidence existed against them. Accordingly, the Supreme Court quashed the High Court's order & set aside the direction for further investigation, while leaving the complainant at liberty to seek remedies under Sections 311 or 319 CrPC, if appropriate. The appeal was allowed for the in-laws, while the husband's appeal was dismissed, permitting him to raise his defenses at the trial stage.

Law of Relief* :- *Absence of specific allegations against in-laws in initial complaint & depositions renders subsequent improvements unreliable – High Court's order directing further investigation quashed.

Counsel* :- *For Appellant(s)*: *Mr. Vinod Kumar Tewari, Adv.

For Respondent(s)*: *Mr. Reshmi Rea Sinha & D. L. Chidananda, Advs.

***Cases Referred* :-**

Hasanbhai Vailbhai Qureshi v. State of Gujarat & Others. (Para 12)

JUDGMENT

Criminal Appeal @ SLP(Criminal) No. 7968 of 2016

1. Heard.

2. Leave granted.

3. The appellants herein are the father-in-law, mother-in-law, brother-in-law, and sister-in-law respectively of respondent No.2 complainant. The marriage between the complainant and Sanjay Gautam, son of the appellant Nos. 1 and 2 was solemnized on 22nd April, 2004. The spouses started living together in Bangalore from 8th May, 2004. The complainant filed a complaint against her husband Sanjay Gautam at the Police Station Mahadevpura, Bangalore on 26th December, 2006 alleging *inter alia* that her husband had gone somewhere on 24th December, 2006 without informing her. He returned home on 26th December, 2006 and started assaulting her by giving blows on face and causing her injuries. In the morning, he also tried to beat their daughter and demanded that the complainant should bring money from her parents. He went away from the house

after beating the complainant and threatening her not to move out without his permission.

4. Based on this report, Crime No. 312 of 2006 came to be registered at Police Station, Mahadevpura for the offences punishable under Sections 498A, 323 and 506 of the Indian Penal Code, 1860 and investigation was commenced. The statement of various witnesses including that of the complainant and her father Shri K.K. Gautam, were recorded by the Investigation Officer. So far as the appellants are concerned, neither in the FIR nor in the statements of the complainant or her father K.K. Gautam, was a whisper made regarding any act of harassment in connection with demand of dowry or otherwise, as against them.

5. Be that as it may, complainant claims to have returned to Delhi where she submitted a typed complaint to the In-charge of Crime Against Women Cell, Nanakpura, New Delhi on 13th March, 2007, wherein, allegations of physical and mental torture were levelled against her husband and the appellants Rampal Gautam (father-in-law), Rajini Gautam(mother-in-law), Smt. Vandana Sharma (sister-in-law), and Sameer Gautam(brother-in-law), owing to dowry demand. However, the police officers of the CAW Cell were apprised of the fact that an FIR had already been registered for the offences punishable under Section 498A, 323 and 506, IPC at Police Station, Mahadevapura, Bengaluru and thus, no further action was required to be taken on the complaint filed by the complainant. It would be relevant to mention here that the complainant took no further steps to prosecute the complaint lodged by her at the CAW Cell.

6. In the meantime, the investigation was continued in Crime No. 312 of 2006, and a charge sheet came to be filed against the husband Sanjay Gautam in the Court of 10th Additional Chief Metropolitan Magistrate, Bangalore who, *vide* order dated 21st February, 2011, framed charges against the said accused for the offences punishable under Sections 498A, 323 and 506, IPC.

7. The prosecution evidence commenced, and the initial examination-in-chief of the complainant was recorded on 12th April, 2012, wherein, she did not utter a single word regarding the role of the accused appellants in harassing or humiliating her. Further, examination-in-chief of the complainant was recorded on 24th March, 2014 wherein, she reiterated her earlier allegations and added that her mother-in-law(appellant No. 2) and sister-in-law(appellant No. 4) had also been harassing her, imputing that if her husband Sanjay had

been married to someone else, they would have gotten more dowry.

a 8. Even in this improved version recorded nearly eight years after the lodging of the FIR, not a whisper of an allegation was made by the complainant against Rampal Gautam(father-in-law) and Sameer Gautam(brother-in-law). After the examination-in-chief of the complainant was completed, she filed an application before the trial b Court, seeking a direction for further investigation of the case by resorting to the procedure provided under Section 173(8) Code of Criminal Procedure, 1973.

9. In the prayer clause (c) of this application, the complainant c prayed that a *de novo* investigation be carried out in respect of the averments of cruelty inflicted upon her by the accused appellants with reference to three documents i.e., the complaint dated 13th March, 2007 and written statements filed by her, in the two divorce cases filed by her husband bearing HMA No. 337/08/07 and HMA d No. 402 of 2011, before the Family Court, Delhi. Thus, primarily, the prayer of the complainant in this application was for a *de novo* or re-investigation.

10. Learned Magistrate rejected the said application vide order dated 30th July, 2015 holding that there was absolutely no ground e whatsoever to direct further/fresh investigation sought for by the complainant. The order passed by the Magistrate was assailed by the complainant by filing a criminal petition under Section 482 CrPC before the High Court of Karnataka at Bengaluru which came to be allowed by the learned Single Judge of the High Court vide order f dated 9th August, 2016 directing that further investigation be carried out in the matter in terms of the application filed by the complainant. The said order is assailed in this appeal by special leave filed at the instance of the appellants herein.

g 11. We have heard and considered the submissions advanced by learned counsel for the parties at bar and have gone through the material placed on record.

12. At the outset, we may record that a direction to conduct h further investigation even after filing of the chargesheet and commencement of the trial is permissible in law as has been held by a catena of judgments of this Court. Reference in this regard may be made to **Hasanbhai Vailbhai Qureshi v. State of Gujarat and Others** wherein, this Court observed that the prime consideration for directing further investigation is to arrive at the truth and to do real substantial justice. The Court further observed that further

investigation and re-investigation stand altogether on a different footing. Even de hors any direction from the Court, it is open to the police to conduct a proper investigation notwithstanding the fact that the Court has already taken cognizance on the strength of a police report submitted earlier. However, a caveat was added that before directing such investigation, the Court or the concerned police officer has to apply mind to the material available on record and arrive at a satisfaction that investigation of such allegations is necessary for the just decision of the case.

13. On going through the material placed on record, we find that in the present case, the High Court grossly erred and transgressed its jurisdiction, while directing fresh investigation into the matter, totally ignoring the fact that the application filed under section 173(8) CrPC was highly belated. At the cost of repetition, it is to be noted that the complainant had already testified at the pending trial against her husband Sanjay Gautam and in the deposition made on 12th April, 2012, no allegation whatsoever has been levelled against the appellants. Even in the deferred examination-in-chief recorded on 24th March, 2014, absolutely vague allegations were levelled against appellant No. 2.

14. Undeniably, the complainant had the liberty to set out her entire case/grievances in her examination-in-chief and make a prayer to the trial Court that the remaining family members who had been left out, should also be proceeded against by summoning them under Section 319 CrPC. If, at all, certain facts were left out from being narrated in the deposition of the complainant, an application under Section 311 CrPC could have been filed for recalling her and for conducting the further examination. In any event, there was no justification whatsoever for the High Court to have directed further investigation into the case at such a belated stage and that too, for the purpose of giving a handle to the complainant to improve upon her initial version so as to implicate her father-in-law, mother-in-law, sister-in-law and brother-in-law, who were admittedly living separately whereas, the spouses, i.e., the complainant and her husband were residing together at Bangalore, where the alleged acts of cruelty took place.

15. As an upshot of the above discussion, we are of the firm view that the impugned order dated 9th August, 2016 passed by the High Court is unsustainable in the eyes of law and deserves to be quashed and set aside.

16. The complainant is left at liberty to take recourse of the suitable remedy for ventilating her grievances which would include filing of an application under Section 311 CrPC and/or an application under Section 319 CrPC, as may be desired.

17. Resultantly, the impugned order is quashed and the appeal is allowed.

18. Pending application(s), if any, shall stand disposed of.

Criminal Appeal @ SLP(Criminal) No. 9174 of 2016

19. Leave granted.

20. The present appeal preferred by Sanjay Gautam who is the husband of the complainant, also lays a challenge to the very same proceedings, however, admittedly, the trial as against the said appellant has commenced. Thus, he would be at liberty to raise all his grievances before the trial Court at the appropriate stage of proceedings.

21. Resultantly, the appeal is dismissed.

22. Pending application(s), if any, shall stand disposed of.

***Result*:-** Appeal allowed for in-laws, impugned order quashed. Appeal of husband dismissed with liberty to raise defenses at trial.

ABC 2025(I) 513 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(B.R. Gavai & K. Vinod Chandran, JJ.)

Criminal Appeal No. 1700 of 2014of 2025

(From Uttarakhand High Court)

Decided on : 28 November 2024

STATE OF UTTARAKHAND - ***Appellant(s).***

Versus

DEEPU VERMA @ DEVENDRA LAL ***Respondent(s).***

Law Covered* :-** ***(A) Indian Penal Code – Section 302 – Bharatiya Nyaya Sanhita, 2023 – Section 103 – Appeal Against Acquittal – Standard for Interference by Supreme Court – Reversal of trial court's conviction – High Court found inconsistencies in the testimonies of key witnesses – PW-1 alleged to have witnessed the incident, but inconsistencies in statements of PW-2 & PW-4 raised doubt – Trial court relied on circumstantial evidence & eyewitness