2025 INSC 803

CORRECTED

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2894 OF 2025
[Arising out of SLP (Crl.) No. 9709 of 2024]

GHANSHYAM SONI …APPELLANT(S)

VERSUS

STATE (GOVT. OF NCT OF DELHI) & ANR. …RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 2895 OF 2025
[Arising out of SLP (Crl.) No. 17951 of 2024]

J U D G M E N T

SATISH CHANDRA SHARMA, J.

1. Leave granted.

2. The captioned Appeal is filed assailing the Impugned Judgment/Final Order dt. 01.04.2024 passed by the High Court of Delhi in Crl. MC No. 1227/2009 whereby the Order/Judgment dt. 04.10.2008 passed by Additional Sessions Judge Delhi ("**Sessions Court**") in CR No. 87/2008 discharging the Appellant for the offence u/s 498A Indian Penal Code, 1860 in FIR No. 1098/2002 dt. 19.12.2002 registered with PS Malviya Nagar, was set aside.

3. The criminal machinery was set in motion with the Complaint dt. 03.07.2002 filed by the Complainant wife/Respondent no.2 culminating into the FIR No. 1098/2002 dt. 19.12.2002 registered with PS Malviya Nagar, against the Appellant husband and her in-laws for commission of offences under sections 498A, 406 & 34 IPC. The factual conspectus is briefly stated as under:

> 3.1 As per the FIR, the marriage between the Appellant husband and the Complainant wife, Respondent no. 2 herein was solemnized on 28.02.1998 according to Buddhist rites and ceremonies. It is averred that the entire cost of the ceremonies had been arranged by the Complainant, according to the best of their financial abilities. At the time, both the parties were serving as Sub-Inspectors with the Delhi Police.

3.2 It is alleged that soon after her marriage, the Complainant learnt about the greedy and abusive nature of the Appellant and his family members, who constantly taunted her and ridiculed her for bringing insufficient dowry. Purportedly, the mother-in-law, Smt. Bhagwati and five of her sisters-in law, namely Geeta, Lata, Misiya, Hemlata and Gayatri constantly fueled conflict, and instigated the Appellant against the Complainant. The father-in-law hurled abuses at the Complainant and her family, allegedly saying that their family had adopted Buddhism to simply evade the traditions of dowry.

3.3 The Appellant and his family consistently raised demands for more dowry and allegedly made a specific demand for Rs. 1.5 Lakhs in cash, a Car and a separate house for the Appellant amongst other petty things. The Complainant averred that despite serious effort, her father was unable to meet the said demands which led to her being subjected to serious physical & mental atrocities at the hands of her husband and in-laws.

3.4 It is alleged that on 27.04.1999, the Appellant husband and her mother-in-law, Smt. Bhagwati had beaten up the Complainant with fists, blows for not fulfilling their needs. The Complainant who hurt her wrist in the incident, had to put on a bandage for a month, and

her parents took her to their house, where she remained on medical rest for twenty days. However, even after her return from her parental home with Rs. 50,000/- in cash, her late father-in-law and her sisters in law (except one) berated her for her inability to fulfill their demands and being a burden on the family.

3.5 On 04.09.1999, the Appellant allegedly took out a dagger and threatened the Complainant that he would kill her if she failed to fulfill the demands, particularly that of his sister. It is alleged that on 05.09.1999, the sister-in-law, Ms. Lata had allegedly threatened the Complainant in front of the father-in-law and the Appellant husband that since she is to return to her house in Jaipur in 2-3 days, her demand of a "*mangalsutr*a" be fulfilled within 2 days, or else the 3rd day would be the last day for the Complainant in that house. Since she was not able to fulfill the demands, the Complainant was allegedly beaten up and thrown out of the matrimonial house on 08.09.1999. The Complainant was not allowed to take with her any of her belongings including her own motorcycle, jewelery or clothes and was left to fend for herself. Aggrieved, she reported the incidents of cruelty and filed a Complaint on the same day with PS Prasad Nagar, Delhi vide DD No. 31 dt. 08.09.1999. It is the case

of the Complainant that since the incident, she had been living with her parents.

3.6 It is further alleged that on 06.12.1999, the Complainant while returning from her shift at the Palam Airport was allegedly beaten up by the Appellant, who threatened her to withdraw the earlier Complaint alleging domestic violence against him and his family. The Complainant, who was pregnant at the time, had allegedly hit the railing and purportedly sustained an injury on the right side of the ear. She reported the incident by filing a Complaint at PS Palam Airport vide DD No. 35 dated 06.12.1999.

3.7 The Complainant gave birth to a daughter on 27.04.2000. It is alleged that neither the Appellant nor any of his family members came to visit her or their new-born daughter at the hospital or at her parents' house. Even at that stage, when the Complainant was in dire need, the Appellant or his family did not return her belongings. The Complainant alleges that the Appellant, who did not bother to visit her own daughter, assaulted the Complainant wife during the advanced stage of pregnancy and did not incur any expenditure towards the birth of the child, and yet enjoyed paternity leave for more than 15 days from the Department.

3.8 On 03.07.2002, the Complainant filed a formal Complaint with the Deputy Commissioner of Police, CAW Cell, New Delhi through proper channels, wherein she gave elaborate details of the alleged incidents and the torture meted out to her since her marriage on 28.02.1998. Pursuant to the said Complaint, FIR No. 1098/2002 dt. 19.12.2002 was registered at PS Malviya Nagar, under sections 498A, 406 & 34 IPC against the Appellant husband and her in-laws.

3.9 The Charge-sheet in the captioned case was filed on 27.07.2004 under sections 498A, 406 & 34 IPC and the Metropolitan Magistrate, Delhi ("**Magistrate**") took cognizance on the very same day. Vide Order dt. 04.06.2008, the Magistrate framed charges under section 498A read with Section 34 IPC and dropped the charge under section 406 IPC.

3.10 Aggrieved by the Order dt. 04.06.2008 passed by the Magistrate, the Appellant filed Criminal Revision Petition No. 87/2008 before the Sessions Court, Delhi. Apart from the submissions that the allegations against him and his family are false, it was the assertion of the Appellant that the alleged incidents of cruelty pertain to the year 1999, whereas she lodged a Complaint on 03.07.2002 after an inordinate delay of 3 years. It was

averred that the cognizance on the Complaint was only taken on 27.07.2004, which is beyond the limitation period as provided under section 468 of the Code of Criminal Procedure, 1973 ("**CrPC**").

3.11 The Sessions Court vide Order dt. 04.10.2008 within its powers of revision, discharged the Appellant, his mother and her five sisters for the offences under section 498A & 34 IPC. It was observed that the Magistrate had taken cognizance of a time-barred case as cognizance was taken on 27.07.2004 of the alleged incidents of cruelty pertaining to the year 1999 i.e. after five (05) years of the commission of the alleged offence, whereas the limitation period for an offence punishable under Section 498A is three (03) years.[1] The Sessions Court held that the Magistrate did not have the inherent powers to condone delay under section 473 CrPC at the time of framing of charges, and even if it was authorized to condone such delay, it could not have done so in the present case where the chances of false implication of the Appellants were apparent.

3.12 The Sessions Court further remarked that the possibility of false implication cannot be ruled out since the Complainant wife was a police officer trained to

1 Section 468(2)(c) of the Code of Criminal Procedure 1973.

tackle tough and high-pressure situations and such an offence in question could not have been committed against her. The said remarks are reproduced as under:

> *"In the present case unlike the Ramesh's case (supra) relied upon by the learned trial court in the impugned order the complainant is a police officer and is supposed to be a tough person used to deal with hard situations, by virtue of her job which includes her handling the criminals besides tough and hard job of police officer. Such a strong-and tough person is not only almost immune to be pressurized but also can be harsh and strong in reaction to other persons going against her-wishes. A woman police officer knowing the law and rules pertaining to crime detection and investigation and trial before court, therefore, cannot be equated to an .oppressed housed wife who is subjected to cruelty by her husband and in laws and the aforesaid observation in Arun Vyas's case seems to apply to such a wife and not to a strong woman police officer wife dealing with hardened criminals daily in discharge of her official duties. However, it cannot always be a case that a woman wife working in police is an aggressor and not subject to cruelty. She can also be subjected to cruelty by her husband and in laws. But when she being conversant with law on the subject has roped in the five sisters which include four married sisters of her husband besides aged mother in law and father in law (since*

deceased) of the complainant, the possibility of false implication of accused persons cannot be ruled out particularly when as per the statement u/s 161 CrPC of mother of complainant, the complainant wife came to her parents in September 199 due to marriage of her sister but accused husband did not take her back to matrimonial home. When the Complainant wife is in full know of investigation procedure and law and by living separate from the revisionists since September 1999 has lodged FIR/Complaint in 2002, there certainly is unexplained delay in lodging the FIR."

3.13 Aggrieved thereby, the Complainant filed the Petition under section 482 CrPC assailing the Judgement dt. 04.10.2008 before the High Court of Delhi. The High Court vide Impugned Judgment and final Order dt. 01.04.2024 allowed the Petition, and set aside the Order dt. 04.10.2008 passed by the Sessions Court, observing that the findings of the Sessions Court were perverse.

3.14 The captioned Appeal is against the Impugned Judgment and final Order dt. 01.04.2024 passed by the High Court of Delhi. During the course of the proceedings before this Court, the Appellant has also filed an Application under Article 142 of the Constitution of India seeking quashing of the FIR No. 1098/2002 dt. 19.12.2002.

4. It has been argued on behalf of the Appellants that the High Court had erred in setting aside the Order dt. 04.10.2008 passed by the Sessions Court, which was well-reasoned and passed after due consideration of the material on record. It was vehemently argued that the present case was time-barred and the Magistrate could not have taken cognizance in light of the bar under Section 468 CrPC. Also, the Magistrate after taking cognizance on 27.07.2004 could not have reviewed its own order, subsequently at the stage of framing of charges.

5. Even otherwise, it was contended that the Magistrate can only condone the said delay only at the time of taking cognizance and in terms of section 473 CrPC, only after a proper explanation of delay. It is borne from the record that the first complaint by the Complainant was lodged on 08.09.1999 and undisputedly, the Complainant has been residing separately since then. The second Complaint was filed on 06.12.1999 which was withdrawn by the Complainant on 12.12.1999, and it was only on a Complaint filed on 03.07.2002 that the captioned FIR No. 1098/2002 dt. 19.12.2002 was registered. It was argued that since all the three Complaints mention the same incidents of cruelty in the year 1999, there is no explanation with regard to the inordinate delay in filing the FIR dt. 19.12.2002, more than three years after the alleged incidents and the delay could not have been condoned for any reason whatsoever. It has been

urged by the learned counsel that the allegations in the FIR are false, and no *prima facie* case can be made out against the Appellant or his family, even after the perusal of the material on record.

6. *Per contra*, it is argued by the learned counsel for the Complainant/Respondent no. 2 that it cannot be assumed at this stage when the trial is yet to commence that the Complaints filed by her are false, simply because she is a police officer. Since there were specific allegations against the Appellant of physically and mentally harassing the complainant, it was argued that the Sessions Court could not have discharged him without the Appellant standing the test of trial.

7. It was further argued that the last alleged offence was committed on 06.12.1999, and complaints were filed both on 06.12.1999 and 03.07.2002 which is well-within the three year limitation period in terms of section 468 CrPC. The relevant date to compute the limitation period under the said provision is the date of filing of the Complainant or date of institution of proceedings, and even otherwise, an offence under section 498A is a continuing offence, and there are serious allegations made against the Appellant and his family, even after September or December 1999.

8. Learned counsel for the State also supports the case of the prosecution and has prayed for the dismissal of the Appeal.

9. We have heard Learned counsel for the parties and have carefully perused the material on record.

10. A perusal of the FIR shows that the allegations made by the complainant are that in the year 1999, the Appellant inflicted mental and physical cruelty upon her for bringing insufficient dowry. The Complainant refers to few instances of such atrocities, however the allegations are generic, and rather ambiguous. The allegations against the family members, who have been unfortunately roped in, is that they used to instigate the Appellant husband to harass the Complainant wife, and taunted the Complainant for not bringing enough dowry; however, there is no specific incident of harassment or any evidence to that effect. Similarly, the allegations against the five out of six sisters that they used to insult the Complainant and demanded dowry articles from her, and upon failure beat her up, but there is not even a cursory mention of the incident. An allegation has also been made against a tailor named Bhagwat that he being a friend of the Appellant instigated him against the Complainant, and was allegedly instrumental in blowing his greed. Such allegations are merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired. For this reason alone, and that the evidence on record is clearly inconsistent with the accusations, the version of the Complainant seems implausible and unreliable. The following

observation in **K. Subba Rao v. State of Telangana Represented by Its Secretary, Department of Home & Ors.**[2], fits perfectly to the present scenario:

> *"6. The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."*

11. As regards the Appellant, the purportedly specific allegations levelled against him are also obscure in nature. Even if the allegations and the case of the prosecution is taken at its face value, apart from the bald allegations without any specifics of time, date or place, there is no incriminating material found by the prosecution or rather produced by the complainant to substantiate the ingredients of "cruelty" under section 498A IPC, as recently observed in the case of **Jaydedeepsinh Pravinsinh Chavda & Ors. v. State of Gujarat**[3] **and Rajesh Chaddha v. State of Uttar Pradesh**.[4] The Complainant has admittedly failed to produce any medical records or injury reports, x-ray reports, or any witnesses to substantiate her allegations. We cannot ignore the fact that the Complainant

2 (2018) 14 SCC 452.
3 2024 INSC 960
4 2025 INSC 671.

even withdrew her second Complaint dt. 06.12.1999 six days later on 12.12.1999. There is also no evidence to substantiate the purported demand for dowry allegedly made by the Appellant or his family and the investigative agencies in their own prudence have not added sections 3 & 4 of the Dowry Prohibition Act, 1961 to the chargesheet.

12. In this respect, the Sessions Court has applied its judicial mind to the allegations in the FIR & the material on record, and has rightly discharged the Appellants of the offences under section 498A & 34 IPC. Notwithstanding the said observation by the Sessions Court that the possibility of false implication cannot be ruled out, the discharge of the Appellant merely because the Complainant is a police officer is erroneous and reflects poorly on the judicial decision making, which must be strictly based on application of judicial principles to the merits of the case. On the other hand, the High Court vide the Impugned Order has traversed one step further and overtly emphasised that simply because the Complainant is a police officer, it cannot be assumed that she could not have been a victim of cruelty at the hands of her husband and in-laws. We agree with the sensitive approach adopted by the High Court in adjudicating the present case, however a judicial decision cannot be blurred to the actual facts and circumstances of a case. In this debate, it is only reasonable to re-iterate that the Sessions Court

in exercise of its revisionary jurisdiction and the High Court in exercise of its inherent jurisdiction under section 482 CrPC, must delve into the material on record to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted *in toto*. In the present case, such scrutiny of the allegations in the FIR and the material on record reveals that no *prima facie* is made out against the Appellant or his family. It is also borne from the record that the divorce decree of their marriage, has already been passed, and the same has never been challenged by the Complainant wife, and hence has attained finality. Upon consideration of the relevant circumstances and that the alleged incidents pertain to the year 1999 and since then the parties have moved on with their respective lives, it would be unjust and unfair if the Appellants are forced to go through the tribulations of a trial.

13. It is rather unfortunate that the Complainant being an officer of the State has initiated criminal machinery in such a manner, where the aged parents-in-law, five sisters and one tailor have been arrayed as an accused. Notwithstanding the possibility of truth behind the allegations of cruelty, this growing tendency to misuse legal provisions has time and again been condemned by this Court. The observations in **Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr.**[5]**,**

5 2024 INSC 953.

Preeti Gupta & Anr. v. State of Jharkhand & Anr.[6] aptly captures this concern.

14. In addition, we are also of the considered view that the Complaint dt. 03.07.2002 filed by the Complainant was not time barred and was filed within the ascribed period of three years from the date of the commission of the offence. *In arguendo*, even if the assertion of the Appellants is considered to be true that the allegations pertain to the year 1999, and there is no material change from the first Complaint dt. 08.09.1999 and the final Complaint dt. 03.07.2002, it cannot be construed that the same was not within the time frame of limitation simply because cognizance was taken by the Magistrate two years later vide Order dt. 27.07.2004.

15. It is a settled position of law that for the computation of the limitation period under Section 468 CrPC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance.[7] The dicta laid down in the case of **Bharat Damodar Kale & Anr. v. State of Andhra Pradesh**[8] makes it unequivocally clear that the Magistrate is well within his powers to take cognizance of a complaint filed within a period of three

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6 [2010] 7 SCC 667.
7 Sarah Mathew Vs Institute Cardio Vascular Diseases by Its Director DR K. M. Cherian & Ors. [2014] 2 SCC 62.
8 [2003] 8 SCC 559.

years from the date of the commission of offence as mandated under section 468 CrPC. The relevant portion is reproduced as under:

> ***"50.*** *The Code imposes an obligation on the aggrieved party to take recourse to appropriate forum within the period provided by law and once he takes such action, it would be wholly unreasonable and inequitable if he is told that his grievance would not be ventilated as the court had not taken an action within the period of limitation. Such interpretation of law, instead of promoting justice would lead to perpetuate injustice and defeat the primary object of procedural law.*
>
> ***51.*** *The matter can be looked at from different angle also. Once it is accepted (and there is no dispute about it) that it is not within the domain of the complainant or prosecuting agency to take cognizance of an offence or to issue process and the only thing the former can do is to file a complaint or initiate proceedings in accordance with law, if that action of initiation of proceedings has been taken within the period of limitation, the complainant is not responsible for any delay on the part of the court or Magistrate in issuing process or taking cognizance of an offence. Now, if he is sought to be penalized because of the omission, default or inaction on the part of the court or Magistrate, the provision of law may have to be tested on the touchstone of Article 14 of the Constitution. It can possibly be urged that such a provision*

is totally arbitrary, irrational and unreasonable. It is settled law that a court of law would interpret a provision which would help sustaining the validity of law by applying the doctrine of reasonable construction rather than making it vulnerable and unconstitutional by adopting rule of litera legis. Connecting the provision of limitation in Section 468 of the Code with issuing of process or taking of cognizance by the court may make it unsustainable and ultra vires Article 14 of the Constitution.

52. *In view of the above, we hold that for the purpose of computing the period of limitation, the relevant date must be considered as the date of filing of complaint or initiating criminal proceedings and not the date of taking cognizance by a Magistrate or issuance of process by a court. We, therefore, overrule all decisions in which it has been held that the crucial date for computing the period of limitation is taking of cognizance by the Magistrate/court and not of filing of complaint or initiation of criminal proceedings.*

53. *In the instant case, the complaint was filed within a period of three days from the date of alleged offence. The complaint, therefore, must be held to be filed within the period of limitation even though cognizance was taken by the learned Magistrate after a period of one year. Since the criminal proceedings have been quashed by the High Court, the order deserves to be set aside and is accordingly set aside by directing the Magistrate to proceed with the case and pass*

> *an appropriate order in accordance with law, as expeditiously as possible."*

16. The following observation in **Kamatchi v. Lakshmi Narayanan**[9] also re-iterates the said position, and further holds that simply because the cognizance is taken at a later stage, but the Complaint was filed within the specified period from the commission of the offence, the Complainant cannot be put to prejudice and her Complaint cannot be discarded as time-barred.

> *"It is, thus, clear that though Section 468 of the Code mandates that 'cognizance' ought to be taken within the specified period from the commission of offence, by invoking the principles of purposive construction, this Court ruled that a complainant should not be put to prejudice, if for reasons beyond the control of the prosecuting agency or the complainant, the cognizance was taken after the period of limitation. It was observed by the Constitution Bench that if the filing of the complaint or initiation of proceedings was within the prescribed period from the date of commission of an offence, the Court would be entitled to take cognizance even after the prescribed period was over."*

17. The observations made by the High Court in respect of computation of the limitation period is the correct appreciation of facts, and it is right in holding that "*considering the date of commission of offence as 08.09.1999 and the dale of filing of complaint as 03.07.2002, this Court finds that the Complaint*

9 [2022] 15 SCC 50.

was lodged by the Petitioner within a period of ***two years and ten months*** *from the date of commission of alleged offence, which is within. the period of limitation of three years as per Section 468 of CrPC*."

18. Therefore, this is certainly not a case where the Complaint or the issuance of process is *ex-facie* barred by limitation, that the question of condonation of delay would arise. It is therefore clarified that the Magistrate had rightly taken cognizance of the offence under section 498A and the question of applicability or exercise of powers under section 473 CrPC as erroneously observed by the Sessions Court, does not even arise and need not be delved into at this stage.

19. In the interest of justice, and in exercise of our powers under Article 142 of the Constitution of India, we deem it fit and appropriate to quash and set aside the FIR No. 1098/2002 dt. 19.12.2002 registered with PS Malviya Nagar and the Chargesheet dt. 27.07.2004.

20. Both the Criminal Appeals are accordingly allowed.

……J.
[B.V. NAGARATHNA]

……J.
[SATISH CHANDRA SHARMA]

NEW DELHI
June 04, 2025.