

undergoing cross-examination on the date fixed by the Trial Court.

9. The appeal is accordingly allowed on above terms.

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

**Result :-** The appeal is allowed.

ABC 2025(I) 4 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Pankaj Mithal & Sandeep Mehta, JJ.)

Criminal Appeal No (s). \_\_\_ of 2024

(Arising Out of Special Leave Petition (Crl.) No. 15909 of 2023)

(From High Court of Jabalpur)

Decided On : 4 December, 2024

AKANKSHA ARORA

- Appellant(s)

Versus

TANAY MABEN

- Respondent(s)

**Law Covered :-** (A) *Criminal Procedure Code - Section 397 & 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 438 & 528) - Nomenclature of a petition is immaterial - The High Court may convert a Section 482 CrPC petition into a revision under Section 397 CrPC and vice versa - Dismissing petitions on hyper-technical grounds undermines substantive justice. (Para 7)*

(B) *Criminal Jurisprudence - Inherent Power of High Court - The label of a petition is immaterial - The High Court may exercise its inherent powers to address the controversy appropriately - Madhu Limaye v. The State of Maharashtra - relied. (Para 8)*

(C) *Criminal Procedure Code - Section 397 & 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 438 & 528) - Scope - The inherent powers under Section 482 remain unaffected by specific provisions like Section 397 - While inherent powers should not encroach upon areas reserved for specific powers, they may be exercised in cases of abuse of process or extraordinary circumstances - The availability of an alternative remedy under Section 397 does not justify dismissal of an application under Section 482 CrPC - Prabhu Chawla v. State of Rajasthan and Another. (Para 9)*

(D) *Criminal Procedure Code - Section 397 & 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 438 & 528) - Petition filed for enhancement of interim maintenance under Section 482 - dismissed by High Court - Even if the High Court was of the view that the appellant should have invoked jurisdiction under Section 397 CrPC for enhancement of interim maintenance, it ought not to have*

- non-suited the appellant solely on the ground of alternative remedy – The judicious approach would have been to convert the petition under Section 482 CrPC into a revision under Section 397 CrPC and to have decided the same as per law. (Para 10)*

**a** Facts :- The appellant challenged the High Court's dismissal of her petition under Section 482 CrPC, seeking enhancement of interim maintenance granted under Section 125 CrPC. Dissatisfied with the quantum fixed by the Family Court, she approached the High Court, which dismissed the petition on the technical ground that the remedy lay under Section 397 CrPC.

**b** The Supreme Court emphasized that procedural technicalities should not override substantive justice. It directed the High Court to convert the petition under Section 482 CrPC into a revision under Section 397 CrPC and decide the matter on merits. Citing precedents, the Court reiterated the High Court's inherent powers to ensure justice.

**c** Law of Relief :- *Dismissal of petitions on procedural grounds undermines substantive justice. Courts must prioritize addressing controversies effectively, converting petitions to appropriate proceedings if necessary, rather than dismissing them based on technicalities.*

**d** Cases Referred:-

- e** 1. *Madhu Limaye v. The State of Maharashtra* [(1977) 4 SCC 551].  
2. *Prabhu Chawla v. State of Rajasthan & Another* [(1997) 3 SCC 635].

### ORDER

**f** PANKAJ MITHAL & SANDEEP MEHTA, JJ. :- 1. Service of notice upon the respondent is complete, but no one has entered appearance on his behalf.

2. Leave granted.  
3. We have heard learned counsel for the appellant.  
4. The appellant by means of this appeal is assailing the judgment and order dated 21.09.2023 passed by the High Court of Jabalpur in Miscellaneous Criminal Case No.18481 of 2022 titled as 'Akanksha Arora vs. Tanay Maben.'

**g** 5. It appears that the Principal Judge, Family Court vide order dated 08.03.2022 in exercise of powers under Section 125 of the Code of Criminal Procedure, 1973 (for short 'the CrPC') had fixed interim maintenance in favour of the appellant.

**h** 6. Being dissatisfied with the quantum of interim maintenance, the appellant-wife had filed a petition under Section 482 CrPC in the High Court seeking enhancement. The said petition has been

dismissed by the High Court by the order impugned on the ground that it is not maintainable as the appellant-wife has a remedy of a revision under Section 397 CrPC. a

7. This Court has, in a catena of decisions, provided that nomenclature of a petition is immaterial and for doing substantive justice, the High Court can always convert a petition under Section 482 CrPC to a revision under Section 397 CrPC and vice versa. The approach of the High Court in dismissing the petition filed by the appellant under Section 482 CrPC on the hyper technical ground that she had to avail the remedy of revision cannot be appreciated because the same has unnecessarily compelled the appellant to approach this Court by way of this appeal filed under Article 136 of the Constitution of India. b c

8. In *Madhu Limaye v. The State of Maharashtra (1977) 4 SCC 551*, this Court held that the label of a petition filed by an aggrieved party is immaterial. The High Court can always examine the controversy in an appropriate case in exercise of its inherent powers. d

9. In *Prabhu Chawla v. State of Rajasthan and Another(1977) 4 SCC 551*, this Court examined the relevant scope of Section 482 CrPC and Section 397 CrPC and held that nothing in CrPC, not even Section 397, can affect the amplitude of the inherent powers preserved in so many terms by the language of Section 482 CrPC. The inherent powers should not invade areas set apart for specific powers conferred under CrPC but there is no total ban on the exercise of inherent powers where abuse of process of Court or other extraordinary situation warrants exercise of inherent jurisdiction. The limitation is self-restraint, nothing more. **Availability of alternative remedy of criminal revision under Section 397 CrPC, by itself, cannot be a good ground to dismiss an application under Section 482 CrPC.** e f

10. Viewed in light of the above precedents, we feel that even if the High Court was of the view that the appellant should have invoked the jurisdiction under Section 397 CrPC for seeking enhancement of interim maintenance, it ought not to have non-suited the appellant only on the ground of alternative remedy. The judicious approach would have been to convert the petition under Section 482 CrPC into a revision under Section 397 CrPC and to have decided the same as per law. g h

11. In view of the above, we dispose of the appeal by setting aside the impugned order of the High Court dated 21.09.2023 and

a remand the matter to the High Court with further direction to convert the petition under Section 482 CrPC as a criminal revision under Section 397 CrPC and decide it in accordance with law after affording opportunity of hearing to the parties.

12. The appeal stands disposed of accordingly.

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

b **Result** :- The appeal was allowed. The matter was remanded to the High Court for reconsideration.

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ABC 2025(I) 7 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(B.V. Nagarathna & Nongmeikapam Kotiswar Singh, JJ..)

Criminal Appeal No (s). ---- of 2024

(Arising out of Special Leave Petition (Criminal) No.16239 of 2024)

(From Telangana High Court)

Decided On : 10 December, 2024

DARA LAKSHMI NARAYANA & OTHERS - Appellant(s)

Versus

STATE OF TELANGANA & ANOTHER - Respondent(s)

e **Law Covered** :- (A) *Matrimonial disputes - Guidelines to Courts - mere reference to family members without specific allegations of their active involvement should be dismissed - Courts must be cautious of generalized accusations - it is common to implicate all family members without concrete evidence - In the absence of particularized allegations, criminal prosecution against family members - especially when they do not reside in the matrimonial home, constitutes an abuse of the legal process. (Para 25)*

f (B) *Indian Penal Code, 1860 - Sections 498A (Bhartiya Nyaya Sanhita (BNS), 2023- Sections 85 & 86) - Misuse - Vague and generalized allegations in matrimonial conflicts, if unchecked, can lead to misuse of legal processes and encourage arm-twisting tactics by the wife or her family - Held, invoking Sec. 498A IPC without a clear prima facie case against the husband & his family has been repeatedly cautioned against by this Court to prevent unjust prosecution. (Para 28)*

g (C) *Indian Penal Code, 1860 - Sections 498A (Bhartiya Nyaya Sanhita (BNS), 2023- Sections 85 & 86) - Misuse - Vague and generalized allegations in matrimonial conflicts, if unchecked, can lead to misuse of legal processes and encourage arm-twisting tactics*