

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17018 of 2025

Arising Out of PS. Case No.-8950 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Alpana Singh D/o Dr. Rameshwaram Prasad Singh R/o Buddha Colony Main
Road, Sakuntalam, House No. 789A, Opposite Goriya Sthan, Pulwan, P.S. -
Buddha Colony, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhay Kishore S/o Late Awadh Kishore Singh R/o vill - Gorkhari, P.S.-
Bikram, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate Ms. Saumya Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For O.P. No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 17-11-2025

Heard Mr. Sanjeev Ranjan, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State. No one appears on behalf of OP No.
2.

2. The petitioner has preferred application under
Section 528 of BNSS corresponding Section 482 of the Cr.P.C.
for quashing the order taking cognizance dated 06.03.2024
passed in Complaint Case No.8950 of 2023 passed by the
learned Judicial Magistrate – Ist Class, Patna by which
cognizance of offence has been taken against the petitioner
under Section 504 of Indian Penal Code and also the order dated



30.10.2024 passed in Criminal Revision No.253 of 2024 by the learned 2nd Additional Sessions Judge, Patna, by which he has affirmed the order dated 06.03.2024 passed by the learned Judicial Magistrate 1st Class, Patna.

3. At the outset, Mr. Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner informs that notices were validly served upon the O.P. No.2 who has appeared through his counsel but learned counsel on his behalf has remained absent on two consecutive dates, which shows that O.P. No.2 is not interested in pursuing prosecution against the petitioner.

4. The learned counsel arguing the case on merits submitted that the petitioner was forced to lodge an FIR bearing Buddha Colony P.S. Case No.677 of 2022 on 25.12.2022 against her father-in-law and mother-in-law including her *Nanad* and *Nandoshi*. Abhay Kishore, who is O.P. No.2 herein, is the *Nandoshi* of the petitioner and Anita Kumari is her *Nanad* (wife of O.P. No.2) just after the death of her husband they have subjected her to cruelty. The learned District Court having found *prima facie* case against them cognizance of the offences. The O.P. No.2/ Mr. Abhay Kishore in retaliation lodged the complaint against the petitioner before the Magistrate on



29.09.2023 on frivolous allegations which falls for consideration before this Court. The said complaint was registered as complaint case no.8950(C) of 2023 and following the procedure prescribed under Sections 197 -200 and 202 of the Cr.P.C. The learned Additional Chief Judicial Magistrate took cognizance for the offence under Section 504 of the Indian Penal Code on 06.03.2024 against the petitioner. The petitioner preferred revision against the said order dated 06.03.2024 before the Additional District and Sessions Judge II, Patna, who, by order dated 30.10.2024, affirmed the order taking cognizance dated 06.03.2024. The petitioner being aggrieved has preferred the application under Section 528 BNSS, seeking quashing and setting aside of order taking cognizance dated 06.03.2024 along with revisional order dated 30.10.2024.

5. Learned counsel submitted that petitioner is the widow of late Sachin Alok, who had died in a very suspicious condition on 28.11.2021, just after one and half years of their marriage, which was solemnized on 12.03.2019. The petitioner is a practicing advocate and her husband was working as a software engineer in a company namely *R systems, Noida*. After his death the petitioner was subjected to torture and assault and was *also* kicked out of her matrimonial house. The petitioner



has been deprived of her civil rights in the family property to the extent of share of her husband.

6. Learned counsel admitting that though the alleged offence took place in the Court premises but considering the background of the litigation which is between the father-in-law, the mother-in-law, *Nandoshi* (Complainant) and the wife of the complainant, it cannot amount to intentional insult which would literally cause to break the public peace and tranquility which forms one of the main ingredients of Section 504 Indian Penal Code. Learned counsel submitted that in absence of basic ingredient no offence is made out against the petitioner, therefore, in facts and circumstances continuation with the criminal proceeding against the petitioner will amount to abuse of process of Court calling for interference of this Court.

7. Learned counsel in this regard has relied upon the parameters as laid down by the Apex Court in para no. 102, in the case of *State of Haryana and Ors. v. Bhajan Lal and Ors.* reported in *1992 Supp. (1) SCC 335*, and submitted that no case is made out against the petitioners. The para no. 102 is reproduced 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. Referring to the law laid down by the Apex Court in case of ***Vikram Johar Vs the State of Uttar Pradesh & Anr. in Cr. Appeal No.759 of 2019 (arising out of SLP (Crl.) No.4820 of 2017)***, he submitted that in absence of any ingredient under Section 504 of Indian Penal Code, further proceeding will be only vexatious in the peculiar facts and circumstances of the case and therefore seeks quashing of the cognizance order dated 06.03.2024 and consequential revisional order dated 30.10.2024 and the entire proceeding pending against the petitioner.

9. *Per contra*, learned APP appearing on behalf of the State opposed the application on the ground that the law laid down by the Apex Court in case of ***Vikram Johar (supra)*** is distinguishable in the facts of the present case, as the alleged offence took place in public view, disturbing the tranquility and peace at the place of occurrence. So *prima facie* case is made out under Section 504 of the Indian Penal Code, therefore, no interference with the order taking cognizance dated 06.03.2024 and consequential revisional order dated 30.10.2024 is required.

10. Heard the parties.

11. Having considered the rival submissions made on behalf of the respective parties, it appears that the O.P. No.2/



the complainant, who is closely related with the petitioner, being her *Nandoshi* against whom the petitioner has filed Buddha Colony P.S. Case No.677 of 2022 on 25.12.2022 under Section 498A of the Indian Penal Code and Sections 3/4 of the DP Act in which charge-sheet has already been submitted and cognizance of offence under Section 498A read with Sections 3 and 4 of the DP Act was taken on 27.07.2023 by learned Judicial Magistrate First Class, Patna. The allegation made in the said FIR is as follows;

“1). That my marriage was solemnized with SACHIN ALOK who was a software engineer by profession in hotel "ZONE BY THE PARK "at Gurgram Haryana on 12.3.2019 with all Hindu rites and ceremonies in presence of both party parents and family members of both parties after taking more than 15 lakhs rupees, jewelries etc which my parents had fulfilled.

2). That my husband died on 28.11.2021 at Ghaziabad rented flat in mysterious condition though he was living with his parents in Dhanbad house Jharkhand

3). That soon after my marriage my father in law SRINIWAS ROY who is retired professor from B.I.T SINDRI, JHARKHAND and my mother in law BIMLA ROY who is respondent here started mentally torching me and my husband SACHIN ALOK for more dowry and due to non fulfillment he cancelled "BAHU BHOJ" which was scheduled to be organized on 15.4.2019. not only this my mother in law started forcing my husband to leave me and to marry another girl for more dowry of which my husband denied as he was happy with me.

4). That the mental torture became a daily routine as my father in law threatened him that if we don't give him more dowry he will outcaste from all property which was also purchased by contribution of my husband too.

5). That due to which my husband went in depression, left his job which was on salary one lakhs per month and started taking more alcohol due to which he started daily abusing me with domestic violence all because of greedy nature for demand of more dowry by my father in law and mother in law my sister in law and her illegal husband.



6). That I left no stone unturned to take him out of this situation but due to more pressure of dowry all my efforts went in vain

7). That in November 2020 I came to take my exam which was in Patna so I came to my parents house and my husband went to his parents house Dhanbad Jharkhand. That the torture still continued and now physically abuse also started by his parents.

8). That my husband caught JAUNDICE due to lack of food but no medical treatment was given to my husband only with local compounder of the society so his health deteriorated but in that condition also my husband was frequently physically abused to leave his legal house of Dhanbad.

9). That somehow he managed and came to Patna and then he got proper medical treatment by support of his cousin brother and by me and after showing to doctor he returned back to his parents house Dhanbad but still torture continued and my husband Sachin was not allowed to enter in his own house though doctor had referred him bed rest for few months. That I begged in front of my mother in law then with the help of my husband's relative and me my husband was allowed to enter his house in that pathetic condition my husband was not given food, medicine his basic need so I had to send him money for his treatment though his father a retired professor of B.I.T SINDRI gets more than **eighty five thousand** pension per month in spite of that he was not given basic facilities for his jaundice treatment.

10). That my husband asked money from my father in law to pay rent of his rented Ghaziabad flat and also for medicine but instead of providing him financial help my father in law physically abused him and broke his arm and gave two iron blows on his head. That financial support was given by me when my husband came again to Patna for treatment of his broken arm, even I had to send money through bank transaction for his medicine, physiotherapy food etc.

11). That on 24th November 2021 I had got a call in evening from Dhanbad railway police that someone laying down unconscious on platform and has left his train. That he was my husband and somehow address was provided to Railway Police and my husband was managed to reach safely in his parents house Dhanbad.

That on 25 November 2021 my husband Sachin called me by video calling that he is going to Delhi upon this I immediately called my mother in law again begged in front of her to not to send him in this pathetic condition with broken arm and with low blood pressure and if she does so he will not survive



That my mother in law Bimla roy told me that it was not a call from any Dhanbad railway police but a fake wrong number call was given to you, now again with the help of Sachin my husband's relative I tried to stop her for not sending my husband which she assured me and told me that she will not send him to Delhi he will go only after 30 days I relied upon her but was unaware of her conspiracy with her husband for killing my husband That my husband had joined a job of Pune based company which was going to start from 1.12.2021 of which for one month it was work from home on package of 1 lakhs 30 thousand so I thought that whatever my mother in law is saying to me is true that Sachin has postpone for going to Delhi. That after his job I too was looking forward to join my husband and start my new life with my husband.

That on 27th November 2021 when I asked my mother in law about my husband's were about she told me lie that he is in Dhanbad and has gone for physiotherapy while in evening my husband's friend told me that Sachin is in Ghaziabad flat and his condition is very critical which shows that some fishy and conspiracy was going on to kill my husband by my father in law and mother in law.

12). That on 28th November 2021 morning when I ranged phone of my husband I got no response, immediately his friend informed me that Sachin my husband is laying dead in his rented Ghaziabad flat which was shocking for me and I became unconscious.

13). That my husband died in mysterious condition for which my father in law SRINIWAS ROY and my mother in law BIMLA ROY, daughter ANITA KUMARI, illegal son in law ABHAY KISHORE is totally responsible for conspiracy and for mysterious death of my husband.

14). That after mysterious death of my husband my father in law and mother in law's daughter ANITA KUMARI and his illegal son in law ABHAY KISHORE threatening me that he will kill me by entering in my parent's house who is senior citizen at Patna presently were I am residing, just because I was inquired about my husband mysterious death, not only that he is threatening me that he has captured whole property of my husband and will not allow me to take a single pie of my husband's property or any asserts made by the contribution of my husband SACHIN ALOK and by my father in law.

15). That my husband when he was alive he revolted ABHAY KISHORE illegal son in law of SRINIWAS ROY for not entering in his house of Dhanbad and also asked him not to interfere in his any household matters That Abhay kishore use to brain wash my father



in law and mother in law against my husband and also use to extract money from my father in law by making many excuses not only that just after my marriage he had borrowed money more than one lakhs from my husband on promise to return back within two days but after receiving it he denied and still he had not returned it back..

16). That I had send legal notice to my father in law SRINIWAS ROY and mother in law BIMLA ROY in month of July 2022 still I have not received any reply. Therefore I request you kindly register my F.I.R in this connection and do the needful for which I will remain obliged.”

12. The complainant, who is the O.P. No.2 has been made accused in above FIR lodged by the petitioner, wherein the O.P. No.2 has made specific allegation against the petitioner that she had used unparliamentary words against his wife. The relevant para-11 (page 32) of the complaint petition is reproduced hereinafter;

“यह कि दिनांक 26/06/2023 को व्यवहार न्यायालय, पटना में प्रार्थी अपनी अग्रिम जमानत आवेदन 5684/2023 में पैरवी हेतु स्वयं पत्नि के साथ आये। व्यवहार न्यायालय परिसर, पटना में अभियुक्त को नजर जैसे ही प्रार्थी के उपर पड़ी उसने प्रार्थी की प्रतिष्ठा को धुमिल करने हेतु विभिन्न प्रकार से बेइज्जत किया। अभियुक्त ने प्रार्थी के पत्नि अनिता कुमारी को यह कहते हुए की तुम उसे साथ अवैध संबंध में रह रहे हो, वह तुम्हारी “रखैल” है। प्रार्थी की पत्नी को जब इस बात को सुनी तो वह भी काफी मर्माहत एवं अपमानित हुई एवं मानसिक प्रताड़ना का शिकार हो गई हैं प्रार्थी भयवश अभियुक्त से कुछ बोल नहीं सका, उस घटना को गवाहों ने भी देखा है। जो आँखों देखा हाल ब्यान करेंगे।”

13. In the peculiar facts of the present case just after the marriage of the petitioner, which was solemnized with the late Sachin Alok on 12.03.2019 who died in Gaziabaad on 28.11.2021 and, thereafter, according to the petitioner, the behavior of her in-laws against her became hostile and cruel and



she was subjected to torture and she was kicked out of her house. Thereafter, the petitioner lodged the FIR bearing Buddha Colony P.S. Case No.677 of 2022 against her in-laws. The allegation alleged by her is self-evident and subsequent to the same, because of her alleged behavior in the Court campus, the complainant / Abhay Kishore lodged complaint against her. Cognizance has been taken under Section 504 of the Indian Penal Code against the petitioner. A strong reliance has been placed by learned counsel appearing on behalf of the petitioner on the law laid down by the Apex Court in case of **Vikram Johar (supra)**, particularly, on para 23 and 26 which are *inter-alia* reproduced here-in-after:

“23. In paragraph No.13 of the judgment, this Court has noticed the ingredients of Section 504, which are to the following effect:-

"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or commit any other offence. The person who intentionally insults intending or knowing it a to to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such situation, the ingredients of Section 504 are satisfied. One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by warrant a conviction under to itself Section 504 IPC."

26. Now, we revert back to the allegations in the complaint against the appellant. The allegation is that appellant with two or three other



*unknown persons, one of whom was holding a revolver, came to the complainant's house and abused him in filthy language and attempted to assault him and when some neighbours arrived there the appellant and the other persons accompanying him fled the spot. The above allegation taking on its face value does not satisfy the ingredients of Sections 504 and 506 as has been enumerated by this Court in the above two judgments. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The mere allegation that appellant came and abused the complainant does not satisfy the ingredients as laid down in paragraph No.13 of the judgment of this Court in **Fiona Shrikhande (supra)**."*

14. Though the case is distinguishable but I find that the complaint out of which the present application under Section 528 BNSS has been lodged is out of the dispute between both the parties, who are close family members. Complainant is *Nandoshi* of the petitioner who appears to have lodged the present complaint as a counter blast to the FIR lodged by the petitioner against the O.P. No.2. The petitioner claims because she is widow, she has also been deprived of her civil rights and right in property of her late husband. However, at this stage, learned counsel appearing on behalf of petitioner submitted that the petitioner is ready to give up all the immovable properties to the extent of her husband's share in order to buy peace of mind, so that she can lead a peaceful life and being an advocate she can practice.

15. The Apex court while dealing with the essential ingredients to constitute crime under section 504 in case of *Om*



Prakash Ambadkar vs The State Of Maharashtra, reported in
2025 SCC ONLINE SC 238, in paragraph no.18 and 19 has
held as under: -

“18. ...

25. Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self control or having been subjected to abject terror by the offender. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

26. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace or an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and



circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant. In King Emperor v. Chunnibhai Dayabhai, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:—

“To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds.”

27. A bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

28. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.”

19. Applying the principles as explained aforesaid, we are of the view that none of the ingredients to constitute the offence punishable under Sections 504 and 506 of the IPC respectively are borne out.”

16. Considering the over all circumstances of the



case, I don't find that there was any material before the learned Magistrate that shows that the alleged act of the petitioner has harmful effect on the society as the mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC, as held by the Apex court in case of *Om Prakash (Supra)*.

17. In such circumstances in absence of ingredient of Section 504 of Indian Penal Code, proceeding with the prosecution will not be in the interest of justice. Accordingly, the entire order taking cognizance dated 06.03.2024 and consequential revisional order dated 30.10.2024 are hereby **quashed and set-aside.**

18. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	27.11.2025
Transmission Date	27.11.2025

