

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33031 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- BABUBARHI District- Madhubani

1. Yog Narayan Yadav Son of Late Chulhai Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
2. Tej Narayan Yadav @ Suryanarayan Yadav Son of Late Chulhai Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
3. Shila Devi Wife of Yog Narayan Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
4. Meena Devi Wife of Tej Narayan Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
5. Ram Darsh Yadav Son of Yog Narayan Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
6. Swikrita Kumari @ Sukrita Kumari @ Swikriti Kumari Daughter of Yog Narayan Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.
7. Gaytri Kumari Daughter of Yog Narayan Yadav Resident of Village - Baksahi, P.S.- Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanak Bihari Son of Jitu Yadav Resident of Village - Ekdara, P.S.- Khajauli, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha, A.P.P.
For the O.P. No. 2	:	Mr. Gangadeo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Udeshya Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 07-10-2025

Heard learned counsel appearing on behalf of the
petitioners; learned counsel for the opposite party no. 2 and
learned APP for the State.

2. The present application has been filed under



Section 482 Cr.P.C. for quashing of the order dated 08.01.2018 passed in Babubarhi P.S. Case No. 73 of 2017 by the learned A.C.J.M., V, Madhubani, whereby cognizance has been taken under Sections 498(A)/504 of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act.

3. The allegation is of subjecting the daughter of the opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that the entire family members of the husband of the victim (daughter of opposite party no.2) have been made accused. He further submitted that after investigation, the police, having found no evidence against the present petitioners, who are family members of the daughter of the opposite party no. 2, who got married with one Shyam Narayan Yadav, have submitted charge-sheet only against the son-in-law of the opposite party no. 2 and exonerated the petitioners from the charges levelled against them. In support of his submission, learned counsel has relied upon a recent judgment passed by the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***. He further submitted



that learned Magistrate after deferring with the police report took cognizance against the petitioners under Sections 498(A)/504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and seeks quashing of the entire proceeding pending against the petitioners.

5. *Per contra*, learned counsel appearing on behalf of the opposite party no. 2 submitted that no interference can be made by this Court in view of the cognizable offence made against the petitioners, who have subjected the daughter of the opposite party no. 2 to cruelty of various sorts for non fulfillment of demand of dowry and had also kicked her out from her matrimonial house. Learned counsel further submitted that the husband of the petitioner has restrained himself because of illegal act committed by the petitioners by interfering in the matrimonial relationship between the daughter of the informant leading to lodging of the FIR in connection with Babubarhi P.S. Case No. 73 of 2017. He submitted that in view of the fact that *prima facie* case is made out against the petitioners, the present quashing application is fit to be dismissed.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that aggrieved by the



criminal act of the petitioners, the father of the victim has lodged a criminal case against the petitioners including his son-in-law, who is not the petitioner in the present case. However, no information regarding relationship of the petitioners with the son-in-law of the opposite party no. 2 has been given in the present application.

8. I find that the present is one of the cases, in which, petitioners being the family members have been dragged to face the present criminal prosecution. Recently, the Hon'ble Supreme Court, in the case of ***Mange Ram (supra)*** has found it to be vexatious in nature and has pleased to quash the entire proceeding. I find it appropriate to reproduce the paragraphs no. 25, 31 and 32, which, *inter alia* are as follows:

*“25. This Court, in **Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735**, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.*

*31. We also refer to **Gian Singh vs. State of Punjab, (2012) 10 SCC 303** wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the*



offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

32. In Naushey Ali vs. State of U.P., (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved."

9. The facts of the present case is also not different as also in view of the oral information given by the learned counsel appearing on behalf of the petitioner, on instruction of his client that the daughter of the opposite party no. 2 has already solemnized marriage with another gentleman. That being the case, I find that the petitioners are facing prosecution in absence of any evidence and continuation of proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioners. Accordingly, the order taking cognizance dated 08.01.2018 and the entire criminal proceeding are hereby **set-aside and quashed** to the extent it relates to the



petitioners.

10. Accordingly the present application stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	09.10.2025
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