

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28258 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- Piplawa District- Patna

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1. Prince Kumar @ Prince Raj, aged about 21 Years (Male), Son of Umesh Saw
 2. Anshu Kumari aged about 23 Years (Female), Daughter of Umesh Saw
 3. Sunita Devi aged about 55 Years (Female), Wife of Umesh Saw
 4. Sweety Kumari @ Sweety Devi aged about 28 Years (Female) Daughter of Umesh Saw, wife of Sikander Kumar.
- All are resident of village- Deoriya, P.S- Bhagwanganj, District- Patna
5. Pinki Devi, aged about 45 Years (Female), Wife of Shambhu Saw, Resident of Village - Atawarpur, P.S.- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharti Kumari D/o Shambhu Saw, W/o Manjesh Kumar R/o vill - Aadampur (Piplawan), P.S. - Piplawan (Pitmarsh), Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the O.P. No. 2	:	Mr. Ajay Kumar, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-11-2025

Heard learned counsel appearing on behalf of the petitioners; learned counsel appearing on behalf of the O.P. No. 2 and learned APP for the State.

2. The petitioners have preferred application under Section 528 BNSS for quashing the order taking cognizance dated 20.12.2024 passed by the learned Additional Chief



Judicial Magistrate IVth, Danapur (Patna) in Cr. Case No. 2546/2024 arising out of Piplawan (Pitmarsh) P.S. Case No. 77 of 2024, by which learned Additional Chief Judicial Magistrate IVth has taken cognizance of offence under Sections 341, 323, 354, 498(A), 379, 504, 506 of the Indian Penal Code and Sections 3 and 4 of D.P. Act.

3. The prosecution story, in brief, is that the marriage of the informant/O.P. No. 2 was solemnized with one Manjesh Kumar in the year 2023. After two days of marriage, her husband along with his family members, had started torturing her mentally and physically for demand of dowry of rupees five lacs and a four wheeler. Thereafter, parents of informant/O.P. No. 2 brought her back to parental house. A panchayati was held on 19.06.2024 in which, her husband and his family members assaulted her and her family members.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court has not considered that the allegation is not against the society. He further submitted that the material available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioners cannot sustain in the eye of law. He further submitted that



petitioners no. 1 is *Dewar* of the O.P. No. 2, petitioner no. 2 is sister-in-law (*Nanad*) of O.P. No. 2, petitioner no. 3 is mother-in-law of the O.P. No. 2, petitioner no. 4 is married sister-in-law (*Nanad*) of the O.P. No. 2 and petitioner no. 5 is cousin mother-in-law of the O.P. No. 2, who are close relatives of husband of O.P. No. 2 and while taking cognizance against them, learned District Court has not considered that allegation against them is general and omnibus and specific allegation of subjecting her to cruelty is against her husband. Learned counsel further submitted that marriage is a sacred ceremony but for little matrimonial skirmish between husband and wife, the petitioners are facing criminal prosecution for the reason they are in-laws. The learned District Court has not considered this aspect, which calls for interference of this Court.

5. *Per contra*, learned counsel appearing on behalf of the opposite party no.2 submitted that the opposite party no.2 is being harassed by the petitioners and, as such, the present quashing application is fit to be dismissed.

6. Heard the parties.

7. The petitioners are close family members of the husband of the complainant. It is commonly seen in the society that the entire family members, as well as, relatives are made



accused along with the husband to face criminal prosecution. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court recently in the case of ***Navneesh Aggarwal & Ors. v. State of Haryana & Anr.*** reported in ***2025 INSC 963*** has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. Recently also, the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25, 31 and 31 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, 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."

10. From perusal of the complaint, it is evident that there is no specific allegation against the petitioners, who are close relatives of the husband of the complainant (O.P. No. 2) and allegation against them is general and omnibus.

11. I find that no case under Section 498 A and other allied sections of the Indian Penal Code and Sections 3 and 4 of D.P. Act is made out against the petitioners as they have no connection with the dispute. Accordingly, the entire proceedings and order taking cognizance dated 20.12.2024 passed by the learned Additional Chief Judicial Magistrate IVth Danapur (Patna) is hereby **set aside and quashed** with respect to



petitioners.

12. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.11.2025
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