

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31901 of 2024

Arising Out of PS. Case No.-1255 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Prabhat Ranjan Sinha S/o Mathura Prasad R/O Mohalla- Sakri Gali Allabhakshpur, P.S. - Alamganj, Distt. - Patna
 2. Munni Devi @ Kanchan Sinha W/o Bishwa Mohan Prasad R/o and C/o Late Mathura Prasad, Sigheshwar Nagar Mainpura Devi Sthan, P.S. - Patliputra, Distt. - Patna
 3. Bishwa Mohan Prasad S/o Late Mathura Prasad R/o Sigheshwar Nagar Mainpura Devi Sthan, P.S. - Patliputra, Distt. - Patna
 4. Guddi Devi @ Sneh Lata Sinha W/o Manoj Kumar R/o Kayasth Tola, Diwan Mohalla, P.S. - Chauk Patna City, Distt. - Patna
 5. Ruby Devi @ Ruby Sinha W/o Ashutosh Kumar Sinha R/o Mohalla - Phulwari, P.s. - Phulwari, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Sinha W/o Prem Ranjan, D/o Late Jagat Nandan Prasad R/o Mohalla - Parvati Niwas, P.s. - Kadam Kuan, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 04-07-2025

1. Heard learned counsel appearing on behalf of
the parties.

2. Present petition is being filed by the
petitioners for quashing the cognizance order dated
07.03.2024 as passed by learned S.D.J.M, Patna in
Complaint Case No.1255 (c) of 2018 whereby and where



under the petition of discharge under section 245 of Cr.P.C. dated 19.09.2023 filed by the petitioners has been rejected in mechanical manner and without duly appreciating the available materials in aforesaid complaint case in which the cognizance under section 498 (A) of the I.P.C and under section 4 of the Dowry prohibition has been taken against the petitioners.

3. Prosecution story in brief speaks that O.P. No. 2/ complainant solemnized her marriage with one Prem Ranjan on 13.07.2013, as per Hindu custom. The brother of O.P. No. 2 gifted precious items and cash of Rs. 5 lakh on aforesaid occasion. It is further alleged that co-accused persons also told her to take back the motorcycle given in the marriage and arranged two lakh for purchase of four wheeler and when she refused to obey their illegal demand the husband of O.P. No. 2 assaulted her physically and started ignoring her, whereafter all accused persons started torturing her in various manners. Accused no.3 alleged to attempt for



illicit relationship. The complainant further stated that lastly on 27.10.2013 when complainant insisted to visit her paternal house the husband of O.P. No. 2 tried to kill her by strangulation and other co-accused persons snatched away all her jewelry and ousted her from her matrimonial house. She made all possible attempts to compromise with situation but the accused persons are adamant as not to redress the issue.

4. It is submitted by learned counsel appearing for the petitioners that present complaint case against petitioners including other accused persons was lodged by complainant/ O.P. No. 2, when her husband namely, Prem Ranjan filed a Divorce case in year 2017 which is pending before the court of learned Principal Judge, Family Court, Patna as Matrimonial case No. 1005 of 2017. It is submitted that in reiteration to aforesaid divorce case all the above-named petitioners, who are married brother-in-laws and sister-in-law of O.P. No. 2 implicated with general and omnibus allegation *qua*



alleged cruelty as said to be committed upon O.P. No. 2. It is submitted that the implications of petitioners appears non-occasioned and primarily due to their relations with husband of O.P. No. 2. It is submitted that the thrust of allegation is available against husband namely, Prem Ranjan, who is not the petitioner. It is submitted that in view of aforesaid, the impugned cognizance order *qua* petitioners, who are not connected otherwise with daily and domestic affairs of O.P. No. 2 and her husband in any manner, appears fit to be quashed/ set aside.

5. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Abhishek vs. State of Madhya Pradesh*** as reported in ***2023 SCC OnLine SC 1083***.

6. Notice served upon O.P. No. 2 personally, whereafter sufficient opportunity was also given to her as to join present proceeding but she failed to appear either in person or through advocate.

7. Learned APP appearing for the State pointed



out that petitioners being in-laws actively participated in the occurrence.

8. It would be further apposite to reproduce paragraph Nos. 12, 13, 14 ,15, 16 & 17 of ***Abhishek Case (supra)***, which read as:-

12. The contours of the power to quash criminal proceedings under Section 482 Cr.P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3-Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr.P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.

13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required



determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

14. *In Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.*

15. *Earlier, in Neelu Chopra v. Bharti [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.*

16. *Of more recent origin is the decision of this Court in Mahmood Ali v. State of U.P. (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr.P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr.P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the*



High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

17. *In Bhajan Lal (supra), this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr.P.C. could be exercised. Para 102 of the decision reads as follows:*

“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 informant 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 persons 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.”

9. Upon perusal of record and taking note of argument as advanced by learned counsel for the petitioners it transpires that petitioners are married brother-in-laws and sister-in-laws, who are living separately and having no connection with daily and domestic affairs of O.P. No. 2 and her husband. It also transpired from the perusal of record that present complaint case was filed in the year 2018 after lodging of divorce case by the husband of O.P. No. 2 namely Prem Ranjan, which suggest *prima-facie* that in retaliation the petitioners who are family members of husband of O.P. No. 2 implicated with present case with general and omnibus allegation *qua* demand of dowry and cruelty.



Complaint on its face, suggest thrust of allegation against husband of O.P. No. 2 who is not the petitioner.

10. Accordingly, by taking a guiding note of ***Abhishek case (supra)***, the impugned order of cognizance dated 07.03.2024 passed by learned S.D.J.M, Patna *qua* above-named five petitioners is hereby quashed/set aside, with all its consequential proceedings.

11. Accordingly, the petition stands allowed.

12. Let a copy of the judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2025
Transmission Date	08.07.2025

