

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35853 of 2018**

Arising Out of PS. Case No.-3585 Year-2017 Thana- PATNA COMPLAINT CASE District-  
Patna

- 
1. Bebi Tabasum Naj @ Baby Naaz Tabassum and Ors W/o Md. Rafique, R/o Masjid Road Quilapara Saheb Ganj P.S. Saheb Ganj, District- Saheb Ganj, Jharkhand. (withdrawn)
  2. Md. Shamsheer S/o- Subhani Nazam, R/o- Devi Asthan Manpur, P.S.- Manpur, District- Gaya.
  3. Md. Irfan @ Irfan Alam @ Irfan S/o- Md. Rafique Alam, R/o Ghat Road, Near Cullipara, Sahebganj, P.S. Sahebganj, District- Saheb Ganj, Jharkhand.
  4. Md. Rafique @ Md. Rafique Alam, S/o Abdul Rajak, R/o Masjid Road Quilapara Saheb Ganj P.S. Saheb Ganj, District- Saheb Ganj, Jharkhand. (withdrawn)
  5. Naushi @ Nausi Naj wife of Md. Shamsheer @ Md. Shamsheer Alam R/o- Devi Asthan Manpur, P.S.- Manpur, District- Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Afshan Nisa W/o Arfeen Alam, Daughter of Md. Hafeez, resident of Quli pada, opposite Rais Tea Stall, P.S. Town District- Sahebganj, At present residing at Alam House, Daryapur, Koeri Tola, P.S.- Purbahore, District- Patna, Bihar.

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Sudha Chandra, Advocate  
For the Opposite Party/s : Mr. Sri Murli dhar, A.P.P.

---

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 04-11-2025**

Heard learned counsel appearing on behalf of the  
petitioners and learned APP for the State.

2. The petitioners have preferred application under Section 482 of Cr.P.C. for quashing the order taking cognizance dated 05.03.2018 passed by the learned Sub Divisional Judicial Magistrate, Patna in complaint Case No. 3585 (C) of 2017, by which learned Sub Divisional Judicial Magistrate has taken



cognizance of offence under Sections 498 A of the Indian Penal Code and Sections 3 and 4 of D.P. Act.

3. The prosecution story, in short, is that the complainant was married to Md. Arfeen Alam on 12.04.2015 at Patna as per Muslim rites and customs, with a *den mehar* of ₹51,786 fixed. At the time of marriage, the complainant's family allegedly gave ₹5,00,000 in cash, ₹3,00,000 through bank transfer, along with clothes, articles, 250 grams of gold, 600 grams of silver ornaments, and household items worth around ₹11,00,000. It was represented to the complainant's family that the accused husband was a businessman with a showroom in Orissa. It is alleged that during the nikah, the accused husband demanded an additional ₹12,00,000 as dowry. Despite the protest from the complainant's family, the marriage was solemnized due to intervention of relatives. Just after solemnization of marriage, the husband allegedly again demanded a sum of Rs.12,00,000/- in dowry and threatened that if the demand is not fulfilled, the O.P. No. 2 would not be allowed to stay in the matrimonial home. Thereafter, the complainant went to her parental home for the customary *Pug Phera* ceremony and informed her family about the demand of dowry and threats. When she had returned to her matrimonial



home, she was allegedly subjected to mental and physical assault by her husband and in-laws. However, she stayed with her husband and even conceived out of cohabitation and gave birth to a male child and, thereafter, her husband allegedly dropped her at her parental home stating that she should not return till the demand of dowry is fulfilled.

4. At the outset, learned counsel appearing on behalf of the petitioners submitted that there are altogether five petitioners but with respect to petitioners no.1 and 4, the present application was directed to be withdrawn *vide* order dated 06.05.2025 and the present application is being pressed on behalf of petitioners no. 2, 3 and 5. He further submitted that petitioners no. 2 is brother-in-law of the husband of O.P. No. 2 (Nandoshi), petitioner no. 3 is younger brother of the husband of O.P. No. 2 and petitioner no. 5 is sister-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. Complaint has been lodged nearly after two years of marriage after birth of male child. 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. Learned counsel for the State 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 32 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.*

*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.”*

10. From perusal of the complaint, it is evident that there is no specific allegation against the petitioner no. 2, 3 and 5, who are Nandoshi, Nanad and Dewar of the complainant (O.P. No. 2) respectively and allegation against them is general and omnibus.

11. I find that no case under Section 498 A of the Indian Penal Code and Sections 3 and 4 of D.P. Act is made out against the petitioners no. 2, 3 and 5 as they have no connection with the dispute. Accordingly, the entire proceedings and order taking cognizance dated 05.03.2018 passed by the learned Sub Divisional Judicial Magistrate, Patna is hereby **set aside and quashed** with respect to petitioners no. 2, 3 and 5.

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

**(Purnendu Singh, J)**

Niraj/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N/A        |
| Uploading Date    | 11.11.2025 |
| Transmission Date | 11.11.2025 |

