

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37697 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- PIRBAHOR District- Patna

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1. Abdul Rahman Ansari, S/o Late Md. Abedin Ansari R/o J.P.S. Campus, Village and P.O. and P.S.- Baliyarpur, Distt.- Dhanbad (Jharkhand)
 2. Anisha Khatoon, W/o Alauddin Ansari, R/o Village-Islam Nagar, Post Office- Kapali, P.S.- Chandil, Dobo Saraikela Kharsama, Distt.- Jamshedpur (Jharkhand).

... .. Petitioners

Versus

1. The State of Bihar
2. Sabiha Ahmad, D/o Ca. Dr. Ahmed Ansari, R/o C-4, Al-Nazeer Complex, Dariyapur, Sabzibagh, Post Office- Bankipur, P.S- Pirbahore, Distt.- Patna.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Md. Shamimul Hoda, Advocate
For the State	:	Md. Anzarul Haque Sahara, APP
For the O.P. No.2	:	Mr. N.K. Agrawal, Senior Advocate
		Ms. Roona, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 14-07-2025

Heard Md. Shamimul Hoda, learned counsel

appearing for the petitioners and Mr. N.K. Agrawal, learned

senior counsel appearing on behalf of O.P. No.2.

2. This application has been filed for quashing/set

aside the Pirbahore P.S. Case No.369 of 2023 dated

19.05.2023 registered for the offence punishable under

Section 498-A of the Indian Penal Code (in short 'IPC').

3. That prosecution case is based upon written

information of the informant namely, Sabiha Ahmad,

Resident of C-4, Al-Nazeer Complex, Dariyapur, Sabzibagh,



Police Station-Pirbahore, District-Patna, which, *inter alia*, speaks as follows:-

(i) It is alleged that the informant married with Ataur Rahman on 15.04.2012 with Islamic Rites and Rituals. It has been further alleged that informant father has given Rs. 30,00,000/- (Rupees Thirty Lacs), ornaments of Rs. 7,00,000/- (Rupees Seven Lacs) and one Hyundai Eon Car as gift.

(ii) It has been further alleged that her *Bidagiri* was made and she came at her *Sasural* at Dhanbad on 16.04.2012. On 19.04.2012, her father along with family members came on 19.04.2012. Thereafter, she came back at Patna along with her husband on 20.04.2012. She has further alleged that her mother-in-law (died), father-in-law and sister-in-law living at Jamshedpur have tortured and her husband refused to sit at small vehicle on 23.04.2012. She came back at Dhanbad and her husband demanded a big car and on 24.04.2012, her husband threatened for divorce and in the meantime, the husband of informant has exchanged Hyndue car and also change the furniture. She was used to do



the daily house work. She has stated that she joined in Pragati Nursing Home at Dhanbad. In meantime, she became pregnant and gave birth of male child on 14.05.2014 at Danapur Military Hospital. It has been alleged that in-laws maltreated her. She appointed as a Railway Doctor in 2015 at Patherdih, Dhanbad. The monthly salary was kept by her husband. She has alleged that her husband has not added her name in her personal account.

(iii) It has further alleged that she has finally appointed as a Medical officer at Patna. Another female child born on 12th December, 2019 and in-laws were not happy due to female child. She came on medical maternity leave. In the year 2022, the informant went at her *Sasural* along with the children at the time of Id Festival. During the period since 29.04.2022 to 04.05.2022 stayed at Dhanbad. Her husband did not talk with her and during that period, her mother-in-law died and thereafter, her husband kept her gifted ornaments and marriage ceremony ring. Thereafter, she came back at Patna. Her husband has sent three letters of divorce. She has further stated that she has replied the notice and written a



letter for restoration of conjugal right, thereafter, her husband became aggressive and abused upon WhatsApp call to the informant.

4. It is submitted by learned counsel appearing for the petitioners that petitioner no.1 is father-in-law of the informant/O.P. No.2 and he is suffering from various old diseases having neuron problem, whereas petitioner no.2 is a widow *Nanad* of the informant/O.P. No.2 and residing at Jamshedpur along with her children. She has no concern with the affairs of informant. It is submitted that the allegation *qua* alleged cruelty and torture upon informant is very much general and omnibus, as the petitioners have no role in day to day affairs of the informant and her husband. It is submitted that the petitioners have been implicated with present case only being the relatives of the husband of the informant/O.P. No.2. It is further submitted by learned counsel that from perusal of FIR, it transpires that there is no ingredients, which attract the offence punishable under Section 498-A of the IPC against the petitioners. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme



Court as available through **Abhishek vs. State of Madhya Pradesh** reported in **2023 SCC Online SC 1083**.

5. On the other hand, Mr. N.K. Agrawal, learned senior counsel appearing for the informant/O.P. No.2 submitted that both the petitioners have physically and mentally tortured the informant. It is submitted that petitioner no.2 despite claiming to be a widow is actively involved in the daily affairs of the household and she has played instrumental role in harassing the informant/O.P. No.2.

6. It would be apposite to reproduce para-13, 14, 15, 16 and 17 of the legal report of Hon'ble Supreme Court as available through **Abhishek's case** (supra), which are as under:-

"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 *State of Haryana v. Bhajan Lal*, [1992 Supp (1) SCC 335], 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 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 Act concerned (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 Act concerned, 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.”

7. In view of aforesaid factual and legal submissions and by taking note of fact as petitioner no.1 is father-in-law and petitioner no.2 is widow Nanad, who claimed to be living separately, which is not disputed by learned counsel appearing for informant/O.P. No.2 and moreover the thrust of allegation appears available against husband of O.P. No.2/informant and both petitioners are facing general and



omnibus allegation (like taunting) *qua* alleged cruelty upon informant/O.P. No.2, who is a doctor by profession and moreover implication of petitioners appears being father and sister of the husband of informant/O.P. No.2, accordingly, by taking a guiding note of **Abhishek’s case** (supra), the FIR of Pirbahore P.S. Case No.369 of 2023 dated 19.05.2023 registered for the offence punishable under Section 498-A of the IPC *qua* both above-named petitioners is hereby quashed/set aside.

8. Hence, the present application stands allowed.
Pending application(s), if any, stands disposed of.

9. Let a copy of the judgment be communicated to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15-07-2025
Transmission Date	15-07-2025

