

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30549 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- SANJHOLI District- Rohtas

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1. Kumari Ranju @ Ranju Kumari D/o- Ajay Kumar @ Ajay Kumar Singh Village- Sonbarsha PS-Karakat Gorari District- Rohtas
 2. Ajay Kumar Singh S/o- Late Siya Ram Singh Village- Sonbarsha PS-Karakat Gorari District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Vidya @ Vidya Kumari D/o Suresh Singh @ Shri Suresh Kumar Singh W/o- Shri Krishna Bhairav Dev @ Santosh Kumar.. Village- Garura Po Ps- Sanjhauli Dist- Rohtas A/P- Kon Po- Bhaluahi Ps- Nokha Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Upadhyay, Advocate Mr. Maya Shankar Mishra, Advocate
For the O.P. No. 2	:	Mr. Shankar Kumar, Advocate
For the State	:	Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-11-2025

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

2. The petitioner has preferred an application under Section 528 of BNSS, for quashing the order dated 05.08.2024 passed by the learned Additional Chief Judicial Magistrate - III, Bikramganj, Rohtas in Sanjhauli P.S. Case No. 12 of 2024 by which learned learned Additional Chief Judicial Magistrate - III, Bikramganj, Rohtas has taken cognizance of offence against the petitioners under Sections 341, 323, 498(A), 494, 495, 504,



506/34 of the Indian Penal Code and Sections 3/4 of D.P. Act.

3. The prosecution case, in brief, is that the Opposite Party No. 2, who is employed as a *Niyojit Teacher* in the Government Primary School, Kone, was married to Shri Krishna Bhairav Dev @ Santosh @ Liladhar Singh according to Hindu rites and customs. At the time of marriage, her father allegedly gave a sum of Rs. 5,00,000 to the mother of the husband and also presented various articles, including clothes, jewellery, electronic items, and furniture worth Rs. 5,00,000 at the time of “Bidai.” Further, it is alleged that soon after the marriage, the husband and his family members, including his mother, the mediator, and his siblings, started subjecting Opposite Party No. 2 to physical and mental cruelty. They allegedly pressurized her to resign from her employment and demanded a Brezza car as additional dowry. Despite several efforts made by her father and brother to amicably resolve the dispute, the accused persons allegedly continued their ill-treatment, insulted her, and ultimately drove her out of her matrimonial home. It is further alleged that the accused also filed false and frivolous petitions before the Magistrate Courts against Opposite Party No. 2 and her family members.

Furthermore, it is alleged that on 20.11.2023, the



accused persons clandestinely arranged the second marriage of the husband with Kumari Ranju (Petitioner No. 1), causing immense mental agony and trauma to Opposite Party No. 2 and adversely affecting the welfare of her minor daughter born from the first marriage. On the basis of these allegations, Opposite Party No. 2 lodged a complaint seeking legal action against the accused persons.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have given specific information about the alleged relationship with the husband of the opposite party no. 2. Petitioners No. 1 is second wife of the husband of the opposite party no. 2 and petitioner no. 2 is the father of petitioner no. 1. He further submitted that petitioners no. 1 and 2 were cheated by the family members of Shri Krishna Dev Bhairav (husband of opposite party no. 2) and now being Hindu, she cannot expect to live without her husband.

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. Be that as it may be the situation. This Court finds



that the petitioners no. 1 and 2 are somewhere related with the husband of the opposite party no. 2 and they cannot be subjected to face prosecution under Section 498 (A) of the Indian Penal Code.

8. 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.

9. 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/relatives of husband should not be roped unnecessarily and face vexatious criminal trial.

10. After considering rival submissions, as well as, facts and circumstances of the case, the question arises before this court is “*whether a friend can be said to be a relative of husband?*” in order to answer the above issue, it will be useful to reproduce Section 498A of the IPC as under:-

“498A- Husband or relative of husband of a woman subjecting her to cruelty.-
whoever, being the husband or the relative of the husband or the relative of the husband of a woman,



subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

11. In this regard, I find it apt to refer a judgment passed by the Apex Court in case of ***Dechamma I.M. alias Dechamma Koushik vs State of Karnataka*** reported in ***2024 SCC OnLine SC 3853***, wherein the Apex Court held that in unequivocal terms, a girlfriend or even a women with whom a man has had romantic or sexual relations outside of marriage could not be construed to be relative. In this regard, para nos. 8,9 and 10 are reproduced hereinafter:

“8. This Court, in the case of U. Suvetha (supra), had an occasion to consider a question as to whether the girlfriend or a woman with whom a man has had romantic or sexual relations outside of marriage would be a “relative of the husband” for the purposes of prosecution under Section 498A of IPC.

9. This Court, after considering the earlier judgments of this Court and the dictionary meaning of a relative, observed thus:—

“18. By no stretch of imagination would a girlfriend or even a concubine in an etymological sense be a “relative”. The word “relative” brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise.”

10. It could thus be seen that this Court has, in unequivocal terms, held that a girlfriend or even a woman with whom a man has had romantic or sexual relations outside of marriage could not be construed to be a relative.”

12. In the present case, the petitioners have declared themselves to be related with the husband of the opposite party no. 2 and the relationship has not been objected by the husband



of the opposite party no. 2. From perusal of the FIR, it is evident that there is no specific allegation against the petitioners no. 1, and 2, the allegation against them being general and omnibus, at the same time, opposite party no. 2 in spite of having remedy under the law to take steps to either dissolve the marriage with her husband or to lead a happy matrimonial life, chose to implicate the present petitioners. Subjecting the petitioners to face criminal prosecution on the basis of alleged illicit relationship of petitioner no. 1 with husband of the O.P. No. 2 is unwarranted. A reference in this regard can be taken to the law laid down by the Apex Court in the case of ***Joseph Shine vs. Union of India*** reported in ***(2019) 3 SCC 39*** wherein the Apex Court has held that Section 497 IPC is violative of Articles 14, 15(1) and 21 of the Constitution being manifestly arbitrary, gender discriminatory, encroachment into women's identity, dignity, liberty, privacy, sexual autonomy, freedom to make independent choice in matters of sexuality, hence struck down as unconstitutional.

13. It is well settled that the second part of Section 482 of the Code of Criminal Procedure/ 528 of BNSS preserves the inherent power of the High Court to prevent abuse of the process of any Court or to secure the ends of justice. Therefore,



the High Court is empowered to exercise its inherent jurisdiction under Section 482 CrPC/528 BNSS to quash proceedings or orders, if the circumstances so warrant. The Apex Court has further clarified that a distinction must be drawn between proceedings of a civil nature and those arising out of criminal prosecution, as setting criminal law in motion has serious consequences affecting the liberty of an individual.

14. In light of the law laid down by the Apex Court in case of *State of Haryana and Ors. vs Bhajan Lal and Oths. reported in 1992 Supp(1) SCC 335*, and invoking the inherent jurisdiction, I find that no case is made out against the petitioners under Sections 341, 323, 498A, 494, 495, 504, 506/34 of the Indian Penal Code. Accordingly, the entire proceedings and order taking cognizance dated 05.08.2024 passed by the learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in Sanjhauli P.S. Case No. 12 of 2024 are hereby set aside and quashed as against the present petitioners.

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

Niraj/-

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

(Purnendu Singh, J)

