

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34126 of 2025

Arising Out of PS. Case No.-113 Year-2022 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. Kiran Srivastava W/o Late Bipin Bihari, R/O Vill.- Shivpuri Damuchak Lane No.- 2, P.S.- Kazimohammadpur, District- Muzaffarpur
 2. Niti Kiran @ Niti Srivastava D/O Late Bipin Bihari R/O Vill.- Shivpuri Damuchak Lane No.- 2, P.S.- Kazimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Sharan S/O Ramakant Sharan R/O Vill.- Dahiyawan Ramrajya Chowk, P.s.- Chapra, Dist.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate.
For the State	:	Mr.Mithlesh Kumar Khare, APP.
For O.P. No.2	:	Mr. Yashwant Kumar @ Chaman, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 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 present application has been filed under Section 528 of BNSS for quashing the order dated 17.08.2024 passed by the learned ACJM-I (East), Muzaffarpur in Kazimohammadpur P.S. Case No.113/2022, by which learned Magistrate has taken cognizance of offence under Sections 341/323/498(A)/325/34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. The allegation is of subjecting the sister of the



informant to various sorts of torture and deserting her and depriving her of her civil rights due to non-fulfillment of the demand of the dowry. The sister of the informant has not only been made victim of cruelty rather at the same time she has been ousted from the house and she has to think about a shelter.

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 sister of the informant was married with with Abhishek Srivastava, the son of petitioner no.1. Petitioner no. 1 is the mother-in-law and petitioner no.2 is the *Nanad* of the sister of the informant. 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 sister of 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. 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 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 F.I.R., it is evident that there is no specific allegation against the petitioners who are mother-in-law and married Nanad of the sister of the informant respectively and allegation against them is general and omnibus.

11. I find that no case under Sections 498 A, 341, 323, 325/34 of the Indian Penal Code and Sections 3 and 4 of D.P.



Act is made out against the petitioners. Accordingly, the entire proceedings and order taking cognizance dated 17.08.2024 passed by the learned ACJM-I (East), Muzaffarpur is hereby **set aside and quashed** with respect to these petitioners.

12. This Court is of the opinion that the sister of the opposite party no.2 cannot be denied of her civil rights and protection is required to be given to her so that she can live in her matrimonial house considering the fact that the marriage is still subsisting.

13. The present quashing application stands disposed of.

(Purnendu Singh, J)

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