

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32036 of 2025

Arising Out of PS. Case No.-155 Year-2024 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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- Uma Devi, Wife of Shri Anjani Kumar
 - Anjani Kumar, S/o Late Harihar Prasad
Both are resident of Ramlakhan Path, Ashok Nagar Road No.8, Police
Station- Kankarbagh, District- Patna - 800020

... .. Petitioners

Versus

- The State of Bihar
- Asmita Kumari, W/o Shri Kunal @ Kunal Yadav, D/o Shri Arvind Kumar
R/o Yusufpur, P.S.- Khusrupur, Dist.- Patna.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Mayank Shekhar, Advocate
		Mr. Saket Gupta, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P. No.2	:	Mr. Ansul, Senior Advocate
	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
CAV JUDGMENT

Date : 09-07-2025

The present quashing petition has been preferred under Section 482 of the Code of Criminal Procedure (in short ‘CrPC’) by the above-named petitioners for quashing of the order dated 01.03.2024 as passed by learned Judicial Magistrate-1st Class, Patna City in connection with Patna Complaint Case No.155 (C) of 2024 titled as Asmita Kumari vs. Kunal Yadav and Ors. whereby the learned jurisdictional Magistrate has been pleased to take cognizance for the



offences punishable under Sections 498-A, 420, 406, 379 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961, which is presently pending in the court of learned Sub Divisional Judicial Magistrate, Patna city.

2. The case of prosecution is based upon the written report of one Asmita Kumari/complainant/O.P. No.2 alleging therein that her marriage was solemnized with the accused No. 1 namely, Kunal @ Kunal Yadav (who is not a petitioner) as per Hindu rites and rituals on 12.06.2022 at Patna. It is alleged that the engagement ceremony of the complainant/O.P. No.2 with the accused No. 1 Kunal Yadav was organized at Hotel Maurya Patna, for which an expense of Rs. 5,00,000/- (rupees five lacs) occurred, and the same was solely borne by the father of the complainant. The complainant further alleged in the complaint that the marriage expense of Rs. 12,00,000/- (rupees twelve lacs) was also borne by the father of the complainant, which the accused persons allegedly refused to share the same. It is further alleged by the complainant that her father has gifted her cash



worth Rs. 35,00,000/- (rupees thirty five lacs), gold and silver jewellery worth Rs. 6,75,000/-(rupees six lacs seventy five thousand) cash worth Rs. 25,00,000/- (rupees twenty five lacs) for purchase of car and cash amount worth Rs. 3,00,000/- (rupees three lacs) for purchase of household items. Cash as mentioned aforesaid was allegedly handed over to the accused Nos. 1, 2 & 3, namely, Kunal Yadav, Anjani Kumar and Uma Devi. It is further alleged that cash worth Rs. 15,00,000/- (rupees fifteen lacs) was handed over to accused No. 5 namely, Shri Sunil Kumar for purchase of car on 08.05.2022. The complainant further alleged that after solemnization of her marriage, she went to her matrimonial home situated at Kankarbagh, Patna. She was treated well by all the accused persons for first few months. It is alleged that the behavior of the accused persons deteriorated thereafter, and then accused persons raised a further dowry demand for cash of Rs. 50,00,000/- (rupees fifty lacs) for purchase of a flat. The complainant was pressurized to bring such amount from her father and when she refused to do so, then the complainant was subjected to verbal and physical abuse. The



complainant allegedly was induced by the accused nos. 2, 3, 5 & 6, namely, Anjani Kumar, Uma Devi, Sunil Kumar and Pinki Kumari to transfer an amount of Rs. 11,00,000/- (rupees eleven lacs only) through installments in the name of repairing of her matrimonial home situated at Patna. The inducement was allegedly supported by the accused no. 4, namely Priyanka Priyadarshi through her personal presence or virtually through mobile call. It is further alleged that at the instance of accused nos. 2 & 4, namely, Anjani Kumar and Priyanka Priyadarshi, the accused no. 1 Kunal @ Kunal Yadav used to take the EMI amount of the flat, which was purchased by him at Bengaluru (Karnataka) from the complainant. Moreover, it was also alleged that her whole salary was spent by the accused persons for their house-hold goods and expenditure. It is further alleged that she was compelled to leave her matrimonial home when on 18.11.2023 during chhath festival the accused No. 1 Kunal Yadav along with accused Nos. 2 & 3, Anjani Kumar and Uma Devi took the complainant with them after being persuaded by the common acquaintances but, thereafter, the complainant was verbally



abused when she was referred to as an unattractive and degraded person. It is further alleged that the complainant in order to save her matrimonial life and family reputation did not protest and accepted everything. Accused Nos. 1, 2 & 3, Kunal Yadav, Anjani Kumar and Uma Devi allegedly acted as per the instruction of accused no. 4, Priyanka Priyadarshi. It is alleged that the complainant was treated as a servant and she was compelled to do all the household work after her official works. It is further alleged that when the complainant asked to keep a maid to the household works, she was assaulted by them. It is further alleged that on 25.01.2024, the accused No. 1 Kunal @ Kunal Yadav took all the belongings from the flat and vacate it and put a lock over the same, when the complainant refused to share her salary income with the accused No. 1, Kunal Yadav. The complainant at that time was in her office and she was ignorant about the same. The complainant further stated that she got the entry into the flat with the help of the members of the housing society and none of the accused persons i.e. accused nos. 1, 2 & 3 were picking up the calls. It is further stated that after the aforesaid



incident, the complainant came to the house of her father and is working from there since 12.02.2024. The complainant further alleged that the accused Nos. 2 & 3, namely, Anjani Kumar and Uma Devi came to their home at Bengaluru and stayed there for many days and instigated their son against the complainant. The complainant also alleged that the accused No. 1 Kunal Yadav in a designed conspiracy has cheated the complainant to the tune of Rs. 50,00,000/- (rupees fifty lacs) from her mobile and also took away her jewellery, educational qualification, certificates and passport. It is further alleged that the accused persons also threatened the complainant that the accused no. 1 Kunal Yadav will divorce her, sell his flat at Bengaluru and will marry with another girl. The complainant also informed the concerned police station that the accused no. 1 took all the belongings of the flat and left it by putting another lock and she got her entry with the help of the society members. It is alleged that the accused persons, namely, Sunil Kumar and Pinki Kumari came to the paternal house of the complainant and verbally abused her and informed her that the accused No. 1, namely,



Kunal Yadav will only keep her when they will fulfil the dowry demand. It is also alleged that the accused nos. 4, 5 & 6 again came to the paternal house of the complainant on 13.02.2024 and physically abused her when she refused to mark her signature over some non judicial stamp paper, which the accused no. 4 was referring to as "Divorce Papers".

3. It is submitted by Mr. Mayank Shekhar, learned counsel appearing for the petitioners that the petitioners are innocent being in-laws and they have committed no offence. They have been implicated out of their relations only with the husband of O.P. No.2, namely, Kunal Yadav. Clarifying the relation of petitioners, it is submitted that petitioner no.1 is the mother of the husband of O.P. No.2, whereas petitioner no.2 is the father of the husband of O.P. No.2. It is submitted that the husband of O.P. No.2 employed in Bengaluru, where he purchased a flat bearing No.311, 3rd Floor, DX MAX SISTA, Bharath Housing Society, Subramanyapura, Uttarahalli, Bengaluru, before the marriage, where he was living with his old parents (petitioners). The marriage of O.P. No.2 with the son of petitioner nos.1 and 2 was solemnized out of an



acquaintance developed on online matrimonial portal. It is further submitted that the engagement ceremony in connection with the present marriage took place on 06.06.2022, whereafter, the marriage between O.P. No.2 and accused no.1, namely Kunal @ Kunal Yadav, who is not the petitioner for the present was solemnized on 12.06.2022 as per Hindu rites and rituals at Patna. Thereafter, both of them went back to Bengaluru on 18.07.2022. It is pointed out that both wife and husband are software engineers. They have an independent life and an independent source of income. It is pointed out that the whole issue and differences surfaced only when the complainant/O.P. No.2 had conceived in the month of September, 2022 but, she was reluctant to have a child at the beginning of her marriage. She made all possible efforts to terminate the pregnancy on 07.12.2022 in accordance with the available medical and legal provisions. She was taken to the hospital, where after some test were conducted, it was detected that the foetus's heart beat had stopped and the pregnancy of the complainant was aborted.

4. While arguing further *qua* deteriorating



relationship with O.P. No.2 with her husband, Mr. Mayank Shekhar, learned counsel appearing for petitioners straightway submitted that both the petitioners went to Bengaluru before the marriage. They never reside together and their implication is being mother-in-law and father-in-law only with a harassing attitude out of ulterior and oblique motive. It is further submitted that the petitioners have been falsely implicated with a malicious intent to disrupt the peace and harmony of the entire family.

5. Mr. Shekhar further pointed out that from the face of the complaint, there is no *prima facie* case *qua* allegation raised for cheating under Section 420 of the IPC, and also *qua* criminal breach of trust as punishable under Section 406 of the IPC is made out. The allegation of theft is also misconceived against both petitioners. Taking cognizance against all such penal provisions along with Section 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, is bad in the eyes of law and, therefore, the cognizance order dated 01.03.2024 with all its consequential proceedings *qua* both above-named petitioners is liable to be quashed/set



aside.

6. Learned counsel in support of the aforesaid submissions further submitted that from the face of the complaint, the core issue of difference between O.P. No.2 and her husband appears to surfaced out of the transfer of ownership of the flat purchased by husband of O.P. No.2, where the complainant claimed that EMI was transferred from her salary. It is also submitted that from para-13 of the complaint, it transpires that O.P. No.2 straightway went to Bengaluru after attending “Chhat Puja” on 18.11.2023 whereafter, she claimed to return on 12.02.2024 to Patna. The alleged occurrence admittedly took place at Bengaluru, with her husband, whereafter, just to array the petitioners being relatives, a false cause of action was created for the occurrence of 13.02.2024 to make out only the complaint case maintainable at Patna, where the mother of the complainant/O.P. No.2 is working as an advocate. It is also submitted that the occurrence as narrated in para-16 of the complaint nowhere discloses where it took place.

7. In support of the aforesaid submissions, learned



counsel has relied upon the legal report of the Hon'ble Supreme Court as available through **Kamal and Ors. vs. State of Gujarat and Anr.** as reported in **2025 INSC 504** and **Abhishek vs. State of Madhya Pradesh** as reported in **(2023) 16 SCC 666**.

8. Mr. Ansul, learned senior counsel appearing for O.P. No.2 submitted that the specific allegation is available against petitioners *qua* occurrence of 13.02.2024, which took place at the residence of the complainant herself at about 7:30 A.M. It is also submitted by Mr. Ansul that petitioner no.1 and 2 were actively participated in the alleged incident and played a pivotal role in causing the breakdown of the matrimonial relationship between O.P. No.2 and her husband, namely, Kunal Yadav.

9. It would be apposite to reproduce para 12 of the legal report of **Kamal Case** (supra), which is as under:-

“12. Even if we assume that there are some allegations of assault and of physical and mental torture of the complainant, but they are against the husband. As against the parents in law, the allegations are only of extending taunts and of not parting with the money for managing household expenses. Specific details in respect of those taunts



have not been disclosed. Moreover, a few taunts here and there is a part of everyday life which for happiness of the family are usually ignored. Interestingly, as per own allegations in the FIR, the complainant admits that when she reported those issues to her parents and uncle, she was counselled to bear patience. In the circumstances, in our considered view, no case to proceed against the parents in law, namely, the second and third appellant is made out. In so far as the first appellant is concerned, there are allegations of physical and mental torture of the complainant at his behest. Consequently, the case may proceed *qua* the first appellant.”

10. It would be apposite to reproduce paras-13, 14, 15, 16 and 17 of the legal report of the Hon’ble Supreme Court as available through **Abhishek 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.”

11. From the perusal of the record and the arguments as canvassed by learned counsel appearing for the parties, it transpires that the petitioners were not present on the alleged date of occurrence, i.e. 13.02.2024 which took place in the house of the complainant/O.P. No.2, for which the present complaint case was lodged. It further transpires that the implication of the petitioners appears to be solely on



account of their status as in-laws and certain differences alleged to have arisen on 11.01.2023, which were apparently resolved thereafter. No specific allegation of physical assault or abuse has been attributed to the petitioners. Moreover, the contents of the complaint petition do not disclose any *prima facie* ingredients constituting offences punishable under Sections 420, 406 and 379 of the IPC, as well as sections 3 and 4 of the DP Act, in so far as the petitioners are concerned.

12. In view of the aforesaid circumstances, the complaint, on a *prima facie* reading indicates that the petitioners have been arrayed as accused solely on account of their relationship as the parents of the husband of O.P. No.2, with the apparent intent to harass them, actuated by an ulterior and oblique motive arising from the strained matrimonial relationship between the complainant and her husband, namely, Kunal Yadav, at Bengaluru.

13. Accordingly, by taking guiding note of **Abhishek's case** (supra), the order dated 01.03.2024 as passed by learned Judicial Magistrate-1st Class, Patna City, in



connection with Patna Complaint Case No.155 (C) of 2024
qua both above-named petitioners is hereby quashed/set
aside, with all its consequential proceedings.

14. The quashing application stands allowed.

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

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	AFR
CAV DATE	18-06-2025
Uploading Date	09-07-2025
Transmission Date	09-07-2025

