

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33382 of 2025**

Arising Out of PS. Case No.-1017 Year-2024 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

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1. Manikanta Devi @ Manikanta Kumari W/O Avinash Kumar @ Avinash Kumar Jha @ Shashi Jha Resident of Village- Hasni, P.S. - Mohiuddin Nagar , District- Samastipur.
  2. Avinash Kumar @ Avinash Kumar Jha @ Shashi Jha Son of Sita Ram Jha Resident of Village- Hasni, P.S. - Mohiuddin Nagar , District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinita Kumari W/O Mukul Kumar Jha @ Mukul, D/O Vinod Chandra Kunwar Resident of Village- Hasni, P.S. Mohiuddin Nagar, District- Samastipur and Presently residing as ,Resident of Village- Kumar Bajitpur, P.S. Patepur, District- Vaishali at Hajipur.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr.Suneil Kumar Thakur, Advocate.  |
| For the Opposite Party/s | : | Mr.Anil Prasad Singh, APP.         |
| For O.P. No.2            | : | Mr. Rekha Ranjan Prasad, Advocate. |
|                          |   | Mr. Dilip Kumar Roy, Advocate.     |

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

**Date : 19-11-2025**

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 petitioners have preferred an application under Section 528 of the BNSS for quashing of the order dated 21.10.2024 passed in C.R. Case No. 1017/2024 by the learned Sub Divisional Judicial Magistrate, Samastipur in which the learned Magistrate after having examined the complainant on S.A. and three enquiry witnesses, has been pleased to pass an



order dated 21.10.2024 holding inter alia that prima facie a case under Section 498A IPC and Section 4 of D.P. Act is made out against the petitioners and thereby an order has been passed for issuance of summons against them.

3. Prosecution story, in brief, is that the complainant was married to the son of the petitioners under a misrepresentation that he possessed 15 bighas of fertile land and held a Government post as Inspector in the Vigilance Bureau, and to substantiate this, a joining letter was shown to her father. The marriage was solemnized after the sale of the complainant's ancestral land worth Rs. 42 lakh, along with transfer of ornaments, garments, and an Alto car to the son of the petitioners. In 2018, the complainant was ousted from her in-laws' house for failing to bring Rs. 10 lakh from her parental home, yet she continued marital relations with her husband and bore two male children. On 24.12.2022, when she visited the matrimonial house with her children, the accused persons allegedly seized her Stridhan and ornaments worth Rs. 15 lakh and denied her entry. During the course of proceedings, a Bidagari was arranged for 06.06.2024. On the night prior, the petitioners, along with the complainant's Devar, visited her parental home under the pretext of her husband's illness. On the



morning of the Bidagari, while en route between Ababakarpur and Sirsiya, the petitioner No. 1 and the Devar coerced the complainant at gunpoint to sign certain stamp papers under threat to her children, and thereafter ousted her and her two children from the vehicle.

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 dated 21.10.2024 by which summons were directed to be issued against the petitioners cannot sustain in the eye of law. He further submitted that petitioner no. 1 is mother-in-law and petitioner no.2 is the father in law of the complainant. 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 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 complaint, it is evident that there is no specific allegation against the petitioner nos. 1 and 2 who are mother-in-law and father-in-law of the complainant respectively and allegation against them is general and omnibus.

11. I find that no case under Sections 498A of the Indian Penal Code and Section 4 of the D.P. Act is made out



against the petitioners. Accordingly, the order dated 21.10.2024 passed by the learned SDJM, Samastipur is hereby **set aside and quashed** with respect to these petitioners.

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

**(Purnendu Singh, J)**

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| AFR/NAFR          | NAFR       |
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