

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40567 of 2024

Arising Out of PS. Case No.-194 Year-2022 Thana- BHELDI District- Saran

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1. Jitendra Prakash Singh, S/O Surendra Prasad Singh, R/O Village-Gaurichak, P.S- Gaurichak, Distt.- Patna.
 2. Surendra Prasad Singh, S/O Late Ramswaroop Singh, R/O Village-Gaurichak, P.S- Gaurichak, Distt.- Patna.
 3. Chandrawati Devi, W/O Surendra Prasad Singh, R/O Village- Gaurichak, P.S- Gaurichak, Distt.- Patna.

... .. Petitioners

Versus

1. The State of Bihar
2. Smriti Raj W/O Jitendra Prakash Singh, D/O Ramjanam Singh R/O Village-Parsa Jogni, P.S- Bheldi, Distt.- Saran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 03-04-2025

Heard learned counsel for the parties.

2. The present application is being preferred for quashing the order dated 16.04.2024 as passed in Bheldi P.S. Case No. 194/2022, Tr. No. 3501/2024, by the learned A.C.J.M.-XI, Saran at Chapra, whereby and whereunder learned Magistrate took cognizance for the offences punishable under Section 498A/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act against the petitioners.

3. The brief facts of the case is that



informant/opposite party no. 2 had submitted her written report before the police, wherein she categorically alleged that her marriage was settled with the petitioner no. 1 through online matrimonial website (*Jeevansathi.com*) and decided that marriage would be performed without any dowry. The informant/O.P. No. 2 alleged that on 28.04.2016 her marriage was performed with the petitioner no. 1 without any dowry, but after two months, petitioner no.1 and other co-accused persons started demanding dowry and tortured her in different ways. She further alleged that she was also ousted from her matrimonial home and thereafter she filed the present F.I.R.

4. After institution of F.I.R., investigation was started and upon completion of which, police submitted charge-sheet No. 96/2023 dated 28.02.2023, for the offences punishable under Sections 498A/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act, for which learned jurisdictional Magistrate took cognizance through impugned order dated 16.04.2024.

5. Learned counsel for the petitioners submitted that



petitioner no. 1 is husband, whereas petitioner nos. 2 and 3 are father-in-law and mother-in-law of opposite party no. 2.

6. Learned counsel further submitted that during course of mediation before the Patna High Court Mediation Centre, both parties have appeared and agreed to live together as husband and wife and now they are living together very happily.

7. Arguing further, learned counsel relied upon the legal reports of the Hon'ble Supreme Court as reported in the matter of **Abhishek Vs. State of Madhya Pradesh** reported in **2023 SCC OnLine SC 1083** and prays to quash the impugned cognizance order, as stated above.

8. Having heard learned counsel for the parties and upon perusal of records, it appears that both parties, in terms of the order of this Court dated 20.03.2025, have appeared in-person before this Court and submitted jointly that in furtherance of mediation proceeding, they are living very happily together.

9. It would be apposite to reproduce the order of mediation here below for sake of clarity of facts:



**"Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No.1208 of 2023
[Arising out of Cr.Misc. No. 47652 of 2023]**

An agreement made on 05.01.2024 at the High Court Patna Mediation Centre, between, Jitendra Prakash Singh, Son of Surendra Prasad Singh, resident of Khaira, P.S.-Gaurichak, District-Patna.

---- --- Petitioner/(First Party).

And

Smriti Raj, Daughter of Ramjanam Singh, resident of Parsa, Jogni, P.S.-Bheldi, District-Saran.

----- Opposite party (Second Party).

Both parties are agreed to settle the dispute with the consent and sweet will on basis of the following terms and conditions:-

1. That the petitioner will arrange an independent accommodation for Opposite Party No.2 (within as early as possible) where the petitioner and Opposite Party No.2 will live separately, having no interference of parents and relatives of both sides.
2. That the parents of petitioner as well as Opposite party No.2 will not interfere with the conjugal life of the petitioner and Opposite Party No.2, in any matter.
3. That the petitioner being the husband of Opposite Party No.2 shall keep the Opposite Party No.2 with full dignity and honour and will give all mental and emotional support to her and he will never oust or threaten to oust her from her matrimonial home.
4. That both the parties shall be under obligation to give proper regard/respect to the parents and relatives of either side, if they visit them at their residential accommodation.
5. That both the parties would be under obligation to restore and continue their conjugal life harmoniously giving full cooperation to each other, in every manner.
6. That the petitioner will continue to live with the Opposite party No.2 in separate accommodation, till the time Opposite Party No.2 gains faith and believes that the parents of the petitioner will not interfere in their conjugal life and they will not torture her in future, in any manner.
7. That after restoration of peaceful conjugal relationship, the Opposite party No.2 and her prosecution witness shall cooperate in disposal of the criminal case in a speedy manner, in favour of the petitioner.
8. That the aforesaid contents of the agreement have been read over and explained into Hindi, which have fully been understood and accepted by the parties.

Hence, in the above terms and condition a settlement has been arrived between the parties and both have signed in the presence of their respective learned counsels. Who have also put their



signature on the agreement.

Sd/-
(Jitendra Prakash Singh)
Signature of the petitioner
Date-05.01.2024

Sd/-
(Smriti Raj)
Signature of opposite party No.2
Date-05.01.2024

Sd/-
Signature of the petitioner Advocate
A.O.R. No. 00328
Date-05.01.2024

Sd/-
Signature of the opposite party no.2 Advocate
A.O.R. No. 03650
Date-05.01.2024"

10. It would be apposite to reproduce relevant
Paragraph Nos. 12, 13, 14 ,15, 16 & 17 of **Abhishek Case**
(supra), which read as:-

12. The contours of the power to quash criminal proceedings under Section 482 Cr.P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3-Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482 Cr.P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.



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 **Bhajan Lal (supra)**, 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 informant 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 persons 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 concerned Act (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 concerned Act, 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. In view of aforesaid factual and legal submissions as dispute and differences between the parties have already been settled and they are living happily



together, continuing with the present criminal proceeding against the petitioners before the learned trial court would only amount to abuse of the process of law and, therefore, by taking a guiding note of **Abhishek case (supra)**, impugned order taking cognizance against petitioners dated 16.04.2024, with all its consequential proceedings, *qua*, all above named petitioners arising thereof as passed in connection with Bheldi P.S. Case No. 194 of 2022, Tr. No. 3501/2024 as passed by learned A.C.J.M.-XI, Saran at Chapra, is hereby quashed and set aside.

12. Hence, this application stands allowed.

13. Let a copy of this order be sent to the learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2025
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