

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38688 of 2025

Arising Out of PS. Case No.-2410 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. Anupam Pratap Singh @ Anupam Pratap S/o Late Shambhu Prasad Singh
R/o Mohalla- Chakbasu, P.S.- Mithanpur, Distt- Muzafarpur
 2. Swati Pratap Singh @ Swati W/o Sri Anupam Pratap Singh R/o Mohalla-
Chakbasu, P.S.- Mithanpur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Singh D/o Arun Kumar Singh R/o Vill- Rasulpur Patti, P.S.-
Bhagwanpur, Distt- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the Opposite Party/s	:	Mr. Sucheta Yadav, APP
For the O.P. No.2	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2025

Heard learned counsel appearing on behalf of the petitioners; learned counsel appearing on behalf of the O.P. No.2 and learned APP for the State.

2. The petitioners have preferred application under Section 528 of BNSS for quashing the order taking cognizance dated 01.06.2018 and its consequential order dated 29.10.2024 passed by the learned Sub-Divisional Judicial Magistrate, Hajipur (Vaishali) in Complaint Case No.2410 of 2017 by which learned Sub-Divisional Judicial Magistrate, Hajipur (Vaishali) has taken cognizance of offence against the petitioners under Sections 498A/34 and 494 of the Indian Penal Code and Section 4 of D.P. Act.



3. The prosecution story in brief is that that marriage of the O.P. No.2 was solemnized with one Satyam Prakash Singh (brother of the petitioner no.1) in the year 2013 but soon after their marriage, her husband and in-laws started demanding dowry and for non-fulfillment of the demand, they subjected her to cruelty both mental and physical. Aggrieved by the said act, the informant has filed the complaint case on 18.09.2017 against them due to her strained marriage.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court before taking cognizance of the offence, has not considered that the allegation primarily arises out of dispute between husband and wife and 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 petitioners no. 1 and 2 are brother-in-law and sister-in-law of Opposite party no.2, respectively.

5. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their



dispute outside the court.

6. *Per contra*, learned counsel for the State 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. He, however, submitted that a chance be given to the parties to settle their dispute amicably.

7. Heard the parties.

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. It has been held by the Apex Court that the matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society. The Apex Court in the case of ***B.S. Joshi v. State of Haryana***, reported in, ***(2003) 4 SCC 675***, in paragraph nos. 12 and 13 by the Hon'ble Supreme Court, which is as under:-

“12. The special features in such matrimonial matters are evident. It becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad [(2000) 3 SCC 693 : 2000 SCC (Cri) 733] are very apt for



determining the approach required to be kept in view in a matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.

10. The 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.

11. From perusal of the complaint, it is evident that there is no specific allegation against the petitioners no. 1 and 2, who are brother-in-law and sister-in-law and allegation against them is general and omnibus.

12. It is thus evident that there is no specific allegation against the petitioners no. 1 and 2, who are brother-in-law and sister-in-law of the complainant respectively and



allegation against them is general and omnibus. *Prima facie* I find that in absence of the ingredients of Sections 498A/34 and Section 494 of the Indian Penal Code and Section 4 of D.P. Act no case is made out against petitioner nos.1 and 2. Accordingly, the entire proceedings and order taking cognizance dated 01.06.2018 passed by the learned Sub-Divisional Judicial Magistrate, Hajipur (Vaishali) in Complaint Case No.2410 of 2017 is hereby ***quashed and set-aside*** to the extent it relates to petitioners no. 1 and 2.

13. However, petitioner nos.1 and 2, in case the husband of O.P. No.2 is not in a position to support her, who are responsible to take care of O.P. No.2, being the elder brother and sister-in-law of the husband of the O.P. No.2. They are also expected to take active participation in the negotiations between O.P. No.2 and her husband.

14. Accordingly, the order taking cognizance is modified to the above extent.

15. The present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2025
Transmission Date	27.11.2025

