

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61562 of 2024

Arising Out of PS. Case No.-1264 Year-2021 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Prithavi Nath Tiwary Son Of Late Ramanand Tiwary R/V- Village- Khajauti, P.S.- Dighwara, Distt.- Chapara (Saran0 Ar Present Residing At Mohalla- Gola Road Near St. Keran School, P.S.- Danapur, Distt.- Patna
 2. Urmila Devi Wife Of Prithavi Nath Tiwari R/V- Village- Khajauti, P.S.- Dighwara, Distt.- Chapara (Saran0 Ar Present Residing At Mohalla- Gola Road Near St. Keran School, P.S.- Danapur, Distt.- Patna
 3. Ajeet Kumar Son Of Prithavi Nath Tiwari R/V- Village- Khajauti, P.S.- Dighwara, Distt.- Chapara (Saran0 Ar Present Residing At Mohalla- Gola Road Near St. Keran School, P.S.- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajani Wife Of Ranjeet Kumar, D/O- Sri Nirmal Kumar R/V- Mohalla- Gola Road, Near St. Keran School, P.S.- Danapur, Distt.- Patna, At Present Resident With Her Father Sri Nirmal Kumar, Resident Of Mohalla- Anandpuri, B.B. Ganj, P.S.- Sadar, Distt.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha, Adv. Ms. Ojaswee Kumari, Adv.
For the Opposite Party/s	:	Mrs. Nirmala Kumari, APP Mr. Ramakant, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 24-03-2025

Heard the parties.

2. Present petition is being filed on behalf of the
petitioners for quashing the impugned order of
cognizance dated 26.07.2022 as passed in Complaint
Case No.1264/2021, by the learned Additional Chief



Judicial Magistrate-X (East), Muzaffarpur, in which cognizance has been taken under section 323, 504, 498 A, of I.P.C. and Section 3/4 of Dowry Prohibition Act.

3. That brief facts of this case speaks that marriage of the O.P. No. 2 was solemnized with one Ranjeet Kumar according to Hindu Rites and rituals on 30.04.2015, where petitioner no. 3 demanded one motorcycle in order to proceed *Barat*, and on such demand Rs, 1,17,000/- was deposited in his account. It is further alleged by the complainant that at the time of her *Bidai*, petitioner no. 1 had demanded one car, but the same was not fulfilled and anyhow *Bidai* ceremony was performed. She further alleged that at the time of marriage several valuable articles such as gold, silver and cloths etc. were provided to the petitioners. She stated that after marriage, she along with her husband went to Chennai to reside there and when she came at her *Maike* (parental home) on the eve of *Chhath Puja* in the year 2015, petitioners demanded Rs. 7,00,000/- and on such



refusal, they started abusing her. She stated that she was blessed with a male child in the year 2016 at Patna. She alleged that in the year 2019, she was subjected to physical and mental cruelty by her husband who also made an attempt to kill her. The complainant further alleged that petitioner no. 3 had misbehaved with her and when she made a complain regarding the incident to her parents, her husband had took her to Chennai on 03.03.2021. She stated that her husband tortured her several times and due to which she was forced to commit suicide and, finally, she was ousted from her matrimonial home.

4. On the basis of allegations as raised through aforesaid complaint petition registered as Complaint Case No. 1264 of 2021, learned ACJM-X, East Muzaffarpur took cognizance against the petitioners for the offences punishable under section 323, 504, 498 A, of I.P.C. and Section 3/4 of Dowry Prohibition Act.

5. Learned counsel for the petitioner submitted



that all petitioners are in-laws and facing general and omnibus allegations *qua* alleged cruelty. It is pointed out that the matter now stands compromised between the parties and out of compromise, O.P. No. 2 joined her matrimonial home with son of petitioner no. 1 and 2 i.e., her husband namely Ranjeet Kumar. It is pointed out that the aforesaid compromise now filed through supplementary affidavit which is available on record. It is submitted that in view of compromise, continuing of criminal proceedings against petitioners before learned trial court would only amount to abuse of process of law and therefore, to secure the ends of justice, same is fit to quashed/set aside.

6. Mr. Ramakant, learned counsel for O.P. No. 2 approved the factum of compromise and also the joint compromise petition filed on affidavit as submitted by learned counsel for the petitioner. It is submitted above that he has no objection *qua* prayer of petitioners in view of compromise.



7. In view of aforesaid, it would be apposite to reproduce Paragraph Nos. 12, 13, 14 ,15, 16 & 17 of ***Abhishek vs. State of Madhya Pradesh*** as reported in ***2023 SCC OnLine SC 1083***, 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.”

8. In view of aforesaid legal and factual submissions as matter appears compromised between the parties, as O.P. No. 2 is living with her husband, who is son of Petitioner No. 1 and 2 happily which is supported by affidavit of O.P. No. 2 and moreover, the petitioners are in-laws facing general and omnibus allegations qua alleged cruelty accordingly, by taking a guiding legal note of ***Abhishek case (supra)*** the impugned order dated 26.07.2022 as passed in



Complaint Case No.1264/2021, by the learned Additional
Chief Judicial Magistrate-X (East), Muzaffarpur is hereby
quashed/ set aside.

9. Accordingly, the petition stands allowed.

10. Let a copy of the judgment be sent to the
learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2025
Transmission Date	24.03.2025

