

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79727 of 2024

Arising Out of PS. Case No.-4077 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Nokhlal Prasad S/O Late Ram Ishwar Prasad R/O Lodipur Chandmari, P.S-
Shahpur, Distt.- Patna.
 2. Tetar Devi W/O Nokhlal Prasad R/O Lodipur Chandmari, P.S- Shahpur,
Distt.- Patna.
 3. Rahul Kumar S/O Nokhlal Prasad R/O Lodipur Chandmari, P.S- Shahpur,
Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari W/O Ravi Kumar and D/O Yogendra Prasad R/O Patipul, P.S-
Digba, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP
For the O.P. No.2 : Mr. Arun Kumar Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-11-2025

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

2. The petitioners have preferred application under



Section 482 of Cr.P.C. for quashing the cognizance order dated 06.05.2022 passed in Complaint Case No.4077(C) of 2021, whereby the learned Judicial Magistrate - Ist Class, Patna, by which cognizance of the offences has been taken under Sections 498(A), 323 and 34 of the Indian Penal Code and Sections 3/4 of DP Act against the petitioners.

3. The prosecution story in brief is that the complainant namely Rajni Kumari solemnized her marriage with one Ravi Kumar on 04.05.2017. After six months of marriage with the said Ravi Kumar, the complainant's in-laws, the petitioner nos.1, 2 and 3 who are father-in-law, mother-in-law and younger brother-in-law of the complainant respectively, started demanding Rs.1 lakh and a colour TV. When she failed to meet their demands, they allegedly abused, assaulted, and stopped providing her food. In 2018, she was beaten again and went to her parental home. Though she returned in November 2018 and March 2019 to her matrimonial home, the harassment continued, leading her to leave her matrimonial home permanently on 14 August 2019. Thereafter, in November 2019, the accused and some unknown persons allegedly went to her parental home, assaulted her family, and repeated their dowry demands.



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 taking cognizance against the petitioners cannot sustain in the eye of law. He further submitted that the petitioner nos.1, 2 and 3 who are father- in- law, mother-in-law and younger brother-in-law of the complainant/ opposite party no. 2 respectively. 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, 31 and 32 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, 2 and 3 who are father- in- law, mother-in-law and younger brother-in-law of the complainant / opposite party no. 2 respectively and allegation against them is general and omnibus.

11. I find that no case under Section 498A of IPC is made out against petitioner nos. 1, 2 and 3. Accordingly, the entire proceedings and order taking cognizance dated 06.05.2022 passed in Complaint Case No.4077(C) of 2021 is hereby **set aside and quashed**.



12. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.11.2025
Transmission Date	12.11.2025

