

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62479 of 2019

Arising Out of PS. Case No.-800 Year-2010 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. MD. ANSARUL HAQUE Son of Late Abdul Gani Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 2. Shahnaz Begum @ Shahnaz @ Tetari D/o Md. Ansarul Haque. Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 3. Nazra Khatoon Wife of Md. Ansarul Haque Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 4. Md. Kausar Parvez @ Md. Parvez Son of Md. Ansarul Haque. Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 5. Tabrej Kaisar @ Md. Kaisar Tabrej Son of Md. Ansarul Haque. Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 6. Md. Asif Ekbal @ Painter Son of Md. Ansarul Haque Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.
 7. Gulnaz Begum @ Gulnaz @ Ladli D/o Md. Ansarul Haque Resident of Village - Madhopur, P.S.- Chiraiya, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Tarannum Praveen Wife of Tabrej Kaisar @ Md. Kaisar Tabrej, D/o Shamsuddin Ansari Resident of Village - Athmuhan, P.S.- Jharokhar, Distt - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 02-12-2025

Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. At the very outset, Learned counsel appearing on
behalf of petitioners informed that the application filed on
behalf of the petitioner nos.1, 3 and 5 has already been



withdrawn with a liberty to raise all the grounds at the stage of framing of charge.

3. The petitioners have preferred the application under Section 482 of Cr.P.C. for quashing the order taking cognizance dated 21.01.2011 passed in Tr. No.1885 of 2011 in Enquiry Case No.238 of 2010 by the learned Judicial Magistrate Ist Class, Motihari, East Champaran in Complaint Case No.800 of 2010 by which the learned Magistrate has taken cognizance of offence against the petitioners under Section 498A of the Indian Penal Code.

4. Prosecution story, in brief, is that the complainant was married to petitioner no.5 (Tabrej Kaisar) on 18.06.2009. It is alleged that the complainant's husband put pressure upon her demanding a generator and fridge as dowry. It is further alleged that complainant's in-laws tortured the complainant and ousted her from her matrimonial house, for which Panchayti was convened but the in-laws of the complainant denied to keep her with them without fulfillment of their demand of dowry. On the basis of the written complaint, the instant case bearing Complaint Case No.800 of 2010 was registered.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation levelled against the



petitioner nos.2, 4, 6 and 7 is false and concocted. He further submitted that petitioner no. 2 is the married sister-in-law, petitioner no.4 is brother-in-law, *petitioner no.6 is also brother-in-law and petitioner no.7 is married sister-in-law* of the opposite party no.2. Learned counsel further submitted that the allegation levelled against the petitioner nos.2, 4, 6 and 7 is not specific rather general and omnibus. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be referred for mediation.

5. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

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 has held that the family members of husband should not



be roped unnecessarily and face vexatious criminal trial.

9. From perusal of the F.I.R., it is evident that there is no specific allegation against the petitioner nos.2, 4, 6 and 7. In light of the recent judgment of Apex Court in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in **2025 INSC 963**, I find that no case under Section 498A of the Indian Penal Code is made out against the petitioner nos.2, 4, 6 and 7. Accordingly, the entire proceeding and order taking cognizance dated 21.01.2011 passed in Tr. No.1885 of 2011 in Enquiry Case No.238 of 2010 by the learned Judicial Magistrate Ist Class, Motihari, East Champaran in Complaint Case No.800 of 2010 is hereby **quashed and set-aside to the extent it relates to petitioner nos.2, 4, 6 and 7.**

10. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2025
Transmission Date	09.12.2025

