

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71190 of 2025

Arising Out of PS. Case No.-171 Year-2023 Thana- KORHA District- Katihar

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1. Sanjeev Kumar S/o- Ram Bharosi Poddar Village- Post- PS- Amarpur Dist- Banka
 2. Ram Bharosi Poddar Late Parmeshwar Poddar Village- Post- PS- Amarpur Dist- Banka
 3. Meena Devi W/o- Ram Bharosi Poddar Village- Post- PS- Amarpur Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari D/o- Karelal Poddar R/o- Gerabari Bazar Ps- Korha Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Dayal, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-12-2025

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

2 The petitioners have preferred the application under Section 482 Cr.P.C. / 528 BNSS for quashing of the order dated 18.09.2024 passed by the learned Sub-Divisional Judicial Magistrate, Katihar in Korha P.S. Case No.171 of 2023 whereby the he has taken cognizance for the offence under Sections 498A and 34 of the Indian Penal Code and Sections 3/4



of the DP Act.

3. Prosecution story, in brief, is that the O.P. No.2 was married to the petitioner no.1 on 03.07.2022 according to Hindu rites. The petitioner no.2 is the father-in-law and the petitioner no.3 is the mother-in-law of the O.P. No.2 respectively. At the time of marriage, father of O.P. No.2 has given Rs.3 lakhs in cash and ornaments to the petitioners. After marriage, O.P. No.2 lived at her matrimonial home for about 25 days, during which her husband and in-laws allegedly subjected her to mental and physical cruelty and demanded an additional dowry of Rs.2 lakhs. When the informant was unable to meet the demand, she was allegedly driven out of her matrimonial home. Since then, she has been residing at her parental home.

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 learned Sub-Divisional Judicial Magistrate, Katihar in Korha *vide* order dated 18.09.2024 has taken cognizance under Sections 498A and 34 of the Indian Penal Code and Sections 3/4 of the DP Act against the petitioners. Learned counsel further



submitted that marriage is a sacred ceremony but for little matrimonial skirmish between husband/petitioner no.1 and wife/O.P. No.2, the petitioner nos.2 and 3 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 APP appearing on behalf of 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.

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 and 31 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. 2 and 3 who are father-in-law and mother-in-law of the O.P. No.2 respectively and allegation against them is general and omnibus.

11. I find that no case under Sections 498A and 34 of the Indian Penal Code and Sections 3/4 of the DP Act is made out against the petitioner nos.2 and 3. Accordingly, the order dated 18.09.2024 passed by the learned Sub-Divisional Judicial Magistrate, Katihar is hereby **quashed and set aside** with respect to the petitioner nos.2 and 3.

12. So far as, the petitioner no.1/husband is concerned, it has been formed to this Court that mediation is going on between the petitioner no.1 and O.P. No.2 before the Patna High Court Mediation and Conciliation Centre in compliance of the order passed in Cr. Misc. 29884 of 2024 in which O.P. No.2 is the petitioner and had sought for cancellation of the anticipatory bail of the present petitioner no.1, which was granted to the petitioner no.1 on 29.11.2023 in Cr. Misc. 71415 of 2023. As such, no interest will be served if the present quashing application is kept pending.



13. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2025
Transmission Date	19.12.2025

