

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72543 of 2025**

Arising Out of PS. Case No.-28 Year-2025 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. Karun Kishor Jha S/o Harendra Kishor Jha
 2. Pritee Kumari @ Priti Jha @ Prity Jha @ Pritee Jha W/o Karun Kishor Jha

Both are residents of Village - Banuchapar, Ward No. 28, P.S - Nagar Bettiah (O.P Banuchapar), District - West Champaran Currently R/o - 1106,2550 Simcoe Street North, Oshawa ON L1L0R5 CA Oshawa, Ontario - L1L 0R5, Canada. Petitioner/s

Versus

1. The State of Bihar
2. Nikki Kumari D/o Ramkumar Jha R/o Village - Devapur, P.O - Khori Pakad, P.S - Pachpakdi, District - East Champaran Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aashish Kumar, Advocate
For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT**

Date : 11-11-2025

Heard Mr. Aashish Kumar, learned counsel
appearing on behalf of the petitioners and Dr. (Mrs.) Indihar
Kumari, learned APP for the State.

2. The present application has been filed under Section 528 of BNSS for quashing the order taking cognizance dated 01.17.2025 passed in Sikrahna Complaint Case No. 28 of 2025, by which the learned Sub Divisional Judicial Magistrate, Sikrahna has taken cognizance of offence under Sections 109, 115(2), 120(2), 303(1), 318(4), 316(2), 85, 352 and 351(2) of BNS and Section 3/4 of Dowry Prohibition Act.

3. The prosecution story, in short, is that the complainant got married with Saurabh Kishor Jha on 27.11.2024



as per Hindu rites and customs. Her parents spent approximately Rs.32 lac inclusive gifts and other marriage expenses. It is alleged that since just after the marriage, Saurabh Kishor Jha denied the conjugal rights. Accordingly, she was mentally and emotionally harassed by him. It is further alleged that Saurabh Kishor Jha has illicit relationship with a woman, who is his distant relative, which is well known to all her in-laws. The complainant was forced to reside at Patna with brother of her husband, namely, Risabh Kishore Jha. She further alleged that she was humiliated, mentally tortured and pressurized to accept said Risabh Kishore Jha as her husband. She also alleged that she was assaulted and attempted to administer poison. Lastly she was ousted from her matrimonial house.

4. Learned counsel submitted that petitioner no.1 is brother-in-law and petitioner no.2 is sister-in-law of the complainant and they have committed no offence but they have been falsely implicated in the present case being the brother-in-law and sister-in-law of the complainant, in this regard, specific statement is made in paragraph no.5 of the application. While taking cognizance against them, learned District Court has not considered that the allegation against them is general and omnibus also fact that the petitioners reside in Canada. Learned



counsel further submitted that no doubt the marriage is a sacred ceremony but for a little matrimonial skirmish between husband and wife, the petitioners, who are close relatives, are facing criminal prosecution for the reasons they are in-laws. The learned District Court has not considered this aspect, which calls for interference of this Court.

5. 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.

6. Heard the parties.

7. The petitioners are close family members of the husband of the complainant. 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.

32. In Naushey Ali vs. State of U.P., (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.”

10. From perusal of the complaint petition, 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 of the complainant (O.P. No. 2) respectively and allegation against them is general and omnibus.

11. I find that no case under Section 498 A of the Indian Penal Code and Sections 3 and 4 of D.P. Act is made out against the petitioners no. 1 and 2, as they have no connection with the dispute. Accordingly, the entire proceedings and order taking cognizance dated 01.07.2025 passed by the learned Sub Divisional Judicial Magistrate, Sikrahna is hereby **set aside and quashed** with respect to petitioners no. 1 and 2.

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

chn/-

(Purnendu Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

