

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85511 of 2023

Arising Out of PS. Case No.-763 Year-2019 Thana- DANAPUR District- Patna

1. Ram Murti Singh, Son Of Late Ram Bahadur Singh Resident Of Bahadur Bagicha (Behind The House Of Rambabu Singh), P.S. - Bahadurpur, District - Patna
2. Malti Devi, Wife Of Rammurti Singh Resident Of Bahadur Bagicha (Behind The House Of Rambabu Singh), P.S. - Bahadurpur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Jyoti, Wife of Raushal Lall, D/O. Ravindra Kumar Singh Resident Of Panchwati Colony, House No.117, Near Mahavir Mandir, East Gola Road, Bailey Road, Danapur Cant, P.S. - Danapur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar, Advocate Mr. Santoh Kumar Singh, Advocate Mr. Ajit Kumar, Advocate
For the Opposite Party No. 2	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
CAV JUDGMENT

Date : 29-08-2025

Heard Mr. Nagendra Kumar, learned counsel for the petitioners duly assisted by Mr. Santosh Kumar Singh and Mr. Ajit Kumar, learned counsels; Mr. Deepak Kumar, learned counsel for the opposite party No. 2 and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.



2. The present application has been filed on behalf of the petitioners for setting aside the order dated 24.03.2022 passed in Danapur P.S. Case No. 763 of 2019 by the learned Additional Chief Judicial Magistrate-I, Danapur, whereby and whereunder the learned Court below has taken cognizance of the offence under Sections 341, 323, 504, 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The brief facts giving rise to the present application is to the effect that the informant/O.P. No.2 lodged an FIR stating therein that her marriage was solemnized with Raushan Lal, son of the petitioners, on 02.12.2015 and her parents gifted ornaments and articles worth Rs.10,00,000/-. It is further alleged that the father-in-law i.e., petitioner No.1 had taken a loan from her aunt to the tune of Rs.10,51,000/- for constructing a house, however, the same was never returned. The informant further alleged that immediately after her marriage, she had gone to her in-law's house at Lodhipur, Patna where her father-in-law was staying in the police line, all the accused persons including the petitioners started abusing the informant/O.P. No.2 alleging that she had not brought enough dowry along with her. It is further alleged that on



various occasion all the named accused persons including the petitioners used to abuse her and even assault her, and once she was ousted from the house on 14.11.2016.

4. The informant/O.P. No.2 has further alleged that the son of the petitioners thereafter filed an application for restitution of conjugal rights in the year 2017, and the informant once again, on the basis of the undertaking given by the son of the petitioners, went to her *sasural*, however the torture continued, and there was no change in the attitude of the in-laws including the petitioners. The informant has alleged that once the petitioners and her husband had tried to kill her by putting her on fire, however, she managed to escape.

5. The informant has further alleged that she later came to know that her husband was not working at Samastipur Sugar Mill, which she was given to understand, and presently he was working in some college in Uttar Pradesh. However, she was never told about the exact place where her husband was living nor was she taken to the place of his service. The informant lastly has alleged that from the various sources including the social media she came to know that her husband has already performed second marriage with someone and hence the FIR was being lodged.



6. Learned counsel for the petitioners submit that the petitioners are the father-in-law and mother-in-law, respectively, of the informant/O.P. No.2. It has been submitted by the learned counsel for the petitioners that as a matter of fact the petitioners resided at their own accommodation at Patna, where the informant had barely lived along with them, and she had been living with her husband at Sultanpur in Uttar Pradesh, where their son is in service with a college and as such the petitioners have no concern whatsoever with the matrimonial affairs of their son and as well as the informant.

7. Learned counsel for the petitioners next submits that from perusal of the FIR, it would be evident that there are general and omnibus allegations levelled against the petitioners and no specific overt act has been alleged with specific dates and times of such incidents, which she has alleged in the FIR.

8. The learned counsel for the petitioners further submits that the FIR contains vague allegations against the petitioners and even on her own saying the petitioners were living in Patna, while her husband was living in Uttar Pradesh.

9. The learned counsel, thus, submits that in view of the judicial pronouncement of the Hon'ble Supreme Court in



the case of *Kahkashan Kausar Sonam & Ors. vs State of Bihar & Ors.; (2022) 6 SCC 599*, wherein the Hon'ble Supreme Court has categorically held that “.....general and omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. Relatives of the husband cannot be forced to undergo trial in absence of specific allegation of dowry demand or cruelty.”

10. The relevant paragraphs of the aforesaid judgement are reproduced as under:-

“14. Further in Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , it has also been observed : (SCC pp. 676-77, paras 32-36)

“32. It is a matter of common experience that most of these complaints under Section 498-A/IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.



17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

11. Per contra, the learned counsel appearing on behalf of the informant/O.P. No.2 has stated that there is specific allegation against the petitioners, who happen to be the father-in-law and mother-in-law of O.P. No.2 and parents of the husband of the informant/O.P. 2 and in such view of the matter, the order taking cognizance is perfectly legal and there is no infirmity in the same. The learned counsel for the informant/O.P. No.2 submits that the informant could not have



given a very detailed description of the atrocities which she has been facing right since the date of marriage, however, she has mentioned the incidents which had occurred against her and were also committed by the present petitioners and, therefore, there is nothing wrong in the order impugned, as the petitioners were instrumental in torturing the informant/O.P. No.2 in connivance with the other co-accused persons including the husband of the O.P. No.2, and it was on their support that the husband of the informant/O.P. No.2 has performed a second marriage.

12. Learned counsel for the informant/O.P. No.2 has pointed out that pursuant to the directions of this Court, he has filed a counter affidavit bringing on record the number of cases filed by the informant/O.P. No.2 against the petitioners and others.

13. From perusal of the said counter affidavit, it would appear that the informant/O.P. No.2 had filed a complaint case in the year 2020, being Complaint Case No. 761(C) of 2020 against the petitioners and others. Another case has been referred to by the learned counsel for the informant/O.P. No.2, which is stated to have been filed by the petitioner No.2 being Complaint Case No. 675 of 2020 against



the O.P. No.2 and others in which cognizance has been taken, and the same has also been challenged before this Hon'ble Court.

14. At this juncture, the learned counsel for the petitioners also pointed out that he has also filed a supplementary affidavit bringing on record the number of cases filed by the informant/O.P. No.2 and apart from the case, which has been referred to above by O.P. No.2 in her counter affidavit, it has been submitted that O.P. No.2 has filed another case bearing D.V. Case No. 312 of 2020, Danapur P.S. Case No. 763 of 2019 and the aunt of the informant/O.P. No.2 has also filed a complaint case bearing Complaint Case No. 172(C) of 2020 against the petitioners and others.

15. Thus, it is submitted by the learned counsel for the informant/O.P. No.2 that the petitioners are habitual offenders and have been torturing the O.P. No.2 and for which the other cases have also been filed and, therefore, the present application is absolutely misconceived and fit to be dismissed.

16. Having heard the learned counsel for the parties, at the outset, this Court would like to refer to the written report of the informant/O.P. No.2, wherein general and omnibus allegations have been levelled without giving specific



dates of the same. It has been observed that the O.P. No.2 has raised issues which were of the year 2015 and 2016 that is almost three to four years prior to the filing of the present FIR and thereafter, she had even agreed in the Matrimonial Case No. 318 of 2017 and came back to live along with her husband.

17. From a careful consideration of the written report, it would appear that there are vague allegations levelled against the petitioners lacking specificity.

18. This Court is reminded of a judgment rendered by the Hon'ble Supreme Court in ***Dara Lakshmi Narayana and Ors. vs State of Telangana and Anr.; (2025) 3 SCC 735***, wherein the Hon'ble Supreme Court has noted that “.....a mere reference to the names of the family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud.”

19. The Hon'ble Court in the aforesaid case has emphasized that such misuse of Section 498(A) to harass the husband and his family must be curbed. The relevant paragraphs of the said judgment are reproduced hereinunder;-

“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute,



without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

33. *Further, this Court in Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] held 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. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.”

20. In ***Archin Gupta vs. State of Haryana & Anr; (2025) 3 SCC 756***, the Hon’ble Supreme Court held that Section 498(A) IPC should not be applied mechanically. The Court had observed that “.....minor marital issues were often exaggerated by the wife’s family which lead to misuse of police machinery to harass the husband. The Hon’ble Supreme Court observed that many times, the parents including the close relatives of the wife make a mountain out of a mole. It observed that instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that



comes in the mind of the wife, her parents and her relatives is the police, as if the police is the panacea of all evil”.

21. In judgment rendered in ***Kahkashan Kausar*** (supra) the Hon’ble Court had held that “.....a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged.”

22. In ***Sushila & Ors. vs. State of U.P. & Ors.; 2025 SCC OnLine SC 804***, the Hon’ble Supreme Court has quashed the proceedings against the appellants and observed that “...the complaint was lodged under Section 498(A) of the IPC and after three years of ex-parte divorce, based on a single incident occurring post-divorce. The Court had observed in absence of any specific allegation against the relatives of husband the proceedings against him would amount to a vexatious trial.”

23. As this Court has observed that there have been other cases also filed by the informant/O.P. No.2 against the petitioners and others. This Court is reminded of another judgment rendered by the Hon’ble Supreme Court in the case of ***Geddam Jhansi & Anr. vs state of Telangana & Ors.; 2025 SCC OnLine SC 263***, wherein the Hon’ble Supreme Court



remarked “.....in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.”

24. From the discussions above and in view of the various judicial pronouncements, it is clear that implicating all relatives without making specific allegations and attributing offending acts to them and proceedings against them without prima facie evidence that they were complicit and had actively participated in the domestic violence would amount to abuse of the process of law.

25. Thus, in light of the discussion made hereinabove and in the facts and circumstances of the present case, I find that the order dated 24.03.2022, referred to above, whereby cognizance has been taken against the petitioner for



offences alleged under Sections 341, 323, 504, 498(A) of the IPC and Sections 3/4 of the Dowry Prohibition Act, is untenable in law and is, therefore, set aside.

26. Accordingly, the application stands allowed.

(Sourendra Pandey, J)

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AFR/NAFR	AFR
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