

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2368 of 2019

Arising Out of PS. Case No.-607 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Manoj Kumar, S/o Ram Keshwar Ram, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 2. Thakur Muneshwar Choudhary, S/o Ram Keshwar Ram, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 3. Ram Keshwar Ram, S/o Late Harku Choudhary, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 4. Samuni Devi, W/o Ram Keshwar Ram, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 5. Aparna @ Aparna Choudhary, W/o Thakur Muneshwar Choudhary, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 6. Chitra @ Chitra Kumari, D/o Thakur Muneshwar Choudhary, resident of house no. MIG- 325, Near Sanjay Gandhi Girls High School Kankerbagh Colony, P.S.- Kankerbagh, Patna- 800020, District- Patna.
 7. Dr. Anil Kumar S/o Rameshwar Choudhary, resident of Mohalla- Dighi Kala Purbi, Hajipur, P.S.- Hajipur, District- Vaishali.

... .. Petitioners

Versus

1. The State Of Bihar
2. Priyanka @ Priyanka Devi, Surendra Choudhary and Wife of Manoj Kumar resident of House No. 644/800, Mohalla- Lal Bahadur Shastri Nagar, Patna, P.S.- Sashtri Nagar, Patna- 800023, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 27-07-2026

1. Heard the parties.

2. At the outset, learned counsel appearing for



the petitioner seeks permission to withdraw the petition of petitioner no.1, namely, Manoj Kumar, who is the husband of OP no.2.

3. Considering the submissions, the present petition *qua* petitioner no.1, namely, Manoj Kumar stands dismissed as withdrawn.

4. Now, this petition remains survive only against the petitioner no.2, 5, 6 and 7, as petition of petitioner no.3 and 4, was already becomes infructuous in terms of order dated 20.07.2026.

5. This application is being filed on behalf of the above-named petitioners against the order dated 13.08.2018 as passed in a Complaint Case No. 607C/2018 by the learned Sub-Divisional Judicial Magistrate, Patna whereby and where under the learned Magistrate has taken cognizance against all the petitioners for the offence alleged u/s 498A, 354 of Indian Penal Code and Section 4 of the Dowry Prohibition Act.

6. All the petitioners are family member of the same family except petitioner no. 7, who is the son-in-law of



the family and a Doctor/medical practitioner at Hajipur township. It is further stated that the petitioner no. 1 is husband, petitioner no. 2 is elder brother-in-law (Bhaisur) of the complainant lady (Priyanka Devi), petitioner no. 3 and 4 are very old persons as aged above 70 years and father-in-law and mother-in-law of the complainant and petitioner 5, 6 & 7 are sister-in-laws (jethani), unmarried niece and brother-in-law (Nandosi) respectively of Priyanka Devi, the complainant lady/ OP no.2.

7. As per complaint, allegation in brief is that father of the complainant met with Ram Keshwar Ram for marriage of his second son Manoj Kumar, Employee of United Bank of India and talked for dowry free marriage but in course of talk he demanded huge amount and taken Rs. 15,00,000/- in his account. It is, alleged that marriage of the complainant with petitioner Manoj Kumar was solemnized on 26.11.2015 according to Hindu rites and rituals at Shastrinagar, Patna on the residence of the complainant. It is further alleged that the father of the complainant expended Rs. 5 lacs on ornament, cloth and utensils and Rs.



5 lacs on other expenditure and in total he expended about Rs. 25,00,000/-. The complainant has alleged that she stayed in sasural for few days and then went to Siliguri at the posting place of her husband, on 12.12.2015 and in the meantime she became pregnant. It is alleged that during holidays her husband brought her to matrimonial home, where her mother-in-law, father-in-law and nandosi started torturing by saying that she was not a suitable match for their son and her husband (petitioner) was also supporting them. He went back to Siliguri saying the parent of the complainant to take her to *maike*, then on next day her *maike* people took her to *maike*. It is alleged that in April 2016 her husband called her to Siliguri, she went there with her brother where her husband started torturing with her and pressed for abortion. It is alleged that she remained there for three months and in August 2016 her husband was transferred to Marufganj, Patna City then her husband brought her again to her matrimonial home at Kankarbagh, Patna, where all the accused persons again started her torturing, cruelty, abuse and assaulted her. She has alleged



that she gave birth of female child in Manas Nursing Home, Kankarbagh on 10.09.2016 but her in-law abused and went away leaving her alone and in night sent driver, who brought her at matrimonial home on the condition that she would not have any relation with her parent. They also provoked her for suicide all time. It is alleged that on 23.09.2016 her husband and other in-laws assaulted her, then she informed her family members. It is alleged that on 05.06.2017 her husband took her to Kolkata on pretext of tour and tried to kill her by pushing from train. It is further alleged that husband of the complainant assaulted her by saying that due to her, his family has been ruined and stopped giving cloths etc. to her and in the month of September 2017 her husband sent to her *naiher* when she was pregnant for second time. The complainant has alleged that thereafter she went to her matrimonial home, many times but in-laws did not allow her to enter in the matrimonial home. She has further alleged that on 28.12.2017 she went to office of her husband but there also her husband denied to met her and also abused her. She has alleged that she has given written



information to Mahila Helpline on 15.01.2018 but no step was taken whereafter only she filed the instant complaint case.

8. It is submitted by learned counsel appearing for the petitioner that all four petitioners are in-laws and living separately having no connections with daily and domestic affairs with OP no.2 and her husband namely, Manoj Kumar, petitioner no.1. It is further submitted that the petitioner no.2, namely, Thakur Muneshwar Choudhary is the elder brother of the husband of OP no.2, who is working in Delhi and living at Asansol, West Bengal. It is pointed out that petitioner no.5, namely, Aparna @ Aparna Choudhary, who is the wife of petitioner no.2 and petitioner no.6, namely, Chitra @ Chitra Kumari is the daughter of petitioner no.2 and 5. It is also submitted that petitioner no.7, namely, Dr. Anil Kumar, is brother-in-law of the husband of OP no.2, who is a doctor and residing separately at Hajipur, Vaishali, Bihar. It is further submitted that due to oblique motive and with harassing attitude, all these in-laws were implicated through present criminal complaint without having any



cogent material. It is further submitted that in view of allegation which is very much general and omnibus against these petitioners, the impugned order of cognizance dated 13.08.2018 against petitioner is fit to be quashed/set aside in view of legal report of Hon'ble Supreme Court as available through ***Abhishek versus State of Madhya Pradesh [2023 SCC OnLine SC 1083]***.

9. Despite service of notice, non appeared on behalf of OP no.2.

10. It would be apposite to reproduce the para no. 12 to 17 of Hon'ble Supreme Court in the case of ***Abhishek Case (supra)***, which reads as under:-

"12. The contours of the power to quash criminal proceedings under Section 482 Cr. P.C. are well defined. In V. Ravi Kumar v. State represented by Inspector of Police, District Crime Branch, Salem, Tamil Nadu [(2019) 14 SCC 568], this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In Neeharika Infrastructure (P). Ltd. v. State of Maharashtra [Criminal Appeal No. 330 of 2021, decided on 13.04.2021], a 3Judge Bench of this Court elaborately considered the scope and extent



of the power under Section 482 Cr. P.C. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in R.P. Kapur v. State of Punjab (AIR 1960 SC 866) and State of Haryana v. Bhajan Lal [(1992) Supp (1) SCC 335], the Court would have jurisdiction to quash the FIR/complaint.

13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in Kahkashan Kausar alias Sonam v. State of Bihar [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the



husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

14. In Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed 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, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

15. Earlier, in Neelu Chopra v. Bharti [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each



and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in Mahmood Ali v. State of U.P. (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr. P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr. P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

17. In Bhajan Lal (supra), this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C. could be exercised. Para 102 of the decision reads as follows:



'102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable



offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

11. In view of aforesaid factual submissions and by taking note of fact as the above-named petitioner no.2, 5, 6 and 7 are in-laws and living separately having no connections with daily and domestic affairs with OP no.2 and her husband, namely, Manoj Kumar, facing general and omnibus allegation *qua* cruelty, accordingly, taking a guiding note of ***Abhishek Case (supra)***, the impugned order dated



13.08.2018 is hereby quashed/set aside *qua* all above-named four petitioners no. 2, 5, 6 and 7 with all its consequential proceedings.

12. Accordingly, the present petition stands allowed.

13. Let the copy of judgment be communicated to the learned trial court forthwith, with TCR, if any.

(Chandra Shekhar Jha, J)

Raushan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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