IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14777 of 2026

CNR No. BRHC010154532026

Arising Out of PS. Case No.-7 Year-2024 Thana- SULTANGANJ District- Patna

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1. Shabana Khatoon @ Nikhat Jahan W/o Mohd. Shamimuddin @ Md. Samim Uddin Resident of Mohalla - Amin Colony, Lodi Katra, Near Gandhi School, Patna City, Patna, P.S Khajekalan, P.O - Jhauganj, District - Patna, Pin - 800008
2. Mohd. Shamimuddin @ Md. Samim Uddin S/o Md. Kalim Uddin Resident of Mohalla - Amin Colony, Lodi Katra, Near Gandhi School, Patna City, Patna, P.S Khajekalan, P.O - Jhauganj, District - Patna, Pin - 800008

... ... Petitioners

Versus

1. The State of Bihar
2. Shazia Naaz W/o Md. Nadeem D/o Shamshad Ali, Permanent Resident of Mohalla - Amin Colony, Lodi Katra, P.S Khajekalan, P.O - Jhauganj, District - Patna Presently R/o - Dargah Road, Pather Ki Masjid, P.S - Sultanganj, P.O - Mahendru, District - Patna

... ... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Md Azim Uddin, Advocate
		Mr. Aman Kumar Singh, Advocate
		Mr. Faiz Ayub, Advocate
For the Opposite Party-State:		Mr. Bharat Bhushan, APP
For O.P. No. 2	:	Mr. Arbind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL JUDGMENT
Date : 18-11-2026

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for opposite party No. 2.

2. The petitioners have approached this Court for quashing of the order dated 04.12.2024, passed by the learned Sub-Divisional Judicial Magistrate, Patna City, in connection with Sultanganj P.S. Case No. 07 of 2024, whereby and whereunder cognizance of the offences punishable under Sections 323, 498A,

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504, 506/34 of the Indian Penal Code (IPC) has been taken against the petitioners.

3. The case of the prosecution, in brief, is that the marriage of the informant-opposite party No. 2 was solemnized with co-accused Md. Nadim, according to the Muslim rites and rituals. It has been alleged that 20-25 lakhs of rupees were spent over the marriage and cash through RTGS and Cash was also given as gift. It has further been alleged that after the informant gave birth to a girl child, she was tortured and demand for additional dowry was made, for which a complaint case under Dowry Prohibition Act was filed. Thereafter, it is alleged that she was living with her parents and when she came to know that her husband has contracted marriage with another girl, she called her husband on phone to inquire, she was abused and later on all the accused persons went to the parental house of the informant and abused them.

4. Learned counsel for the petitioners has submitted that the petitioners respectively happen to be the mother-in-law and father-in-law of the informant and there is general and omnibus allegation against them.

4.1. Learned counsel for the petitioners has further submitted that previously also the present informant has filed a

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case under Section 498A of the IPC, which came to be quashed by the judgment dated 23.04.2024, passed by a coordinate Bench of this Court in Cr. Misc. No. 60593 of 2023.

4.2. Learned counsel for the petitioners has placed reliance on the judgments of the Hon'ble Supreme Court in the cases of ***Achin Gupta vs. State of Haryana and Another***, reported in (**2024) 6 S.C.R. 129**, ***Nitin Ahluwalia Vs. the State of Punjab*** reported in **2025 SCC OnLine SC 2013** and ***K. Subba Rao v. State of Telangana*****,** reported in **(2018) 14 SCC 452***,* to submit that since there is general and omnibus allegations against the petitioners, who happen to be the in-laws of the informant and there being no specific act assigned to them, it would be unjust that the petitioners be forced to go through the rigors of trial. Moreover, the grievance of the informant is with respect to her husband for having contracted second marriage, whereafter the petitioners along with the husband are alleged to have assaulted her at her parental house in general and omnibus terms. Moreover, it has been submitted that no cognizance has been taken under Section 494 of the IPC.

4.3. It has further been submitted that in its judgment in the case of ***Preeti Gupta vs. The State of Jharkhand*** reported in (**2010) 7 SCC 667**, the Hon'ble Supreme Court has expressed

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deep concern about growing tendency of naming all the relatives of the husband in Section 498A IPC FIRs as a matter of course.

4.4. Learned counsel for the petitioners has further relied upon the judgment of the Hon'ble Supreme Court in the case of ***State of Haryana v. Bhajan Lal*****,** reported in **1992 Supp (1) SCC 335**, and has specifically referred to category Nos. 1 to 7, as discussed in paragraph no. 102 thereof, and has, thus, submitted that the present allegation against the petitioners is vexatious and malicious one out of personal vendetta and the proceedings against them should not continue.

4.5. Learned counsel for the petitioners has further submitted, referring to Annexure-P/14, that the allegation against the petitioners were found to be false during investigation after a detailed investigation as well as technical evidence when cognizance came to be taken against the husband under Sections 494/498A/323/504/506/34 of the IPC.

4.6. Learned counsel for the petitioners has further submitted that the learned Magistrate took cognizance against the petitioners in a mechanical manner without applying his judicial mind.

4.7. Learned counsel for the petitioners has also relied upon the judgment of the Hon'ble Supreme Court in the case of

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Pepsi Foods Ltd. & Anr. v. Special Judicial Magistrate & Ors., reported in **(1998) 5 SCC 749**, to submit that the Hon'ble Supreme Court has held in the said judgment that summoning an accused is a serious matter and cannot be done as a matter of course and, in the present case, there is no *prima facie* material to proceed against the petitioners when a final form was submitted after proper and detailed investigation.

4.8. It has lastly been submitted that continuation of the present proceeding against the petitioners would be an abuse of the process of the court.

5. Learned counsel for the State as well as learned counsel for opposite party No.2 opposed the prayer of the petitioners. It has further been submitted that the petitioners had actively participated in the alleged occurrence against the informant, who happens to be the lady victim of the case. Moreover, *prima facie* material has been found by the learned Magistrate and the petitioners may be directed to face trial.

6. Heard the parties and perused the record.

7. Apart from the present case, previously there had been series of litigations between both the parties. Moreover, the previous complaint filed under Section 498A of the IPC and other ancillary sections was quashed by a coordinate Bench of this

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Court. Moreover, after thorough investigation, the investigating agency found the litigation to be false against the petitioners. The learned Magistrate took cognizance against the petitioners after differing with the final form. Moreover, there appears to be general and omnibus allegations against the petitioners, who happen to be the mother-in-law and father-in-law of the informant and also considering the judgments, discussed above, the impugned order taking cognizance dated 04.12.2024, passed by the learned Sub-Divisional Judicial Magistrate, Patna City, in connection with Sultanganj P.S. Case No. 07 of 2024, as against the petitioners only, is hereby quashed. However, further proceedings against other co-accused persons may continue.

8. The application stands allowed.

(Praveen Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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