

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13568 of 2025

Arising Out of PS. Case No.-1090 Year-2021 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Reena Devi @ Runa Devi @ Runa Kumari wife of Late Rajeev Kumar
village- Mahnar, Ps- Mahnar, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Versa Rani Wife of Mukesh Kumar village- Rambag Chouri, Ps-
Mithanpura, dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate Ms. Shabina Talat, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the O.P. No. 2	:	Mr. Sanjay Kr. @ S.K., Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 12-02-2026 Heard the learned counsel for the petitioner, learned
counsel for O.P. No. 2 and the learned APP for the State.

2. This application has been filed setting aside/quashing
the cognizance order dated 04.09.2024 passed in Complaint Case
No. 1090 of 2021 dated 07.06.2021 by the learned Judicial
Magistrate 1st Class, Muzaffarpur (East), whereby the learned
Magistrate took cognizance under Sections 323 and 498(A) of the
Indian Penal Code.

3. The fact giving rise to the present application is to
the effect that the petitioner lodged a complaint is that
complainant and accused No. 1, *i.e.*, husband, had solemnized
marriage in year 2017 where demand of cash as gift has been
made for purchasing flat, furniture, utensils, clothes and gold/



silver jewellerys were also gifted by family of complainant. Thereafter, accused persons raised demand of one kattha of land in Muzaffarpur and subsequently more demand was made for cash and other articles from time to time. The accused persons started torturing the complainant and upon complaint to Mahila Helpline by her they assured to keep her well but again after some time assaulted her and allegedly accused No.2 tried to kill her by pressing her neck after which she started screaming and was saved by people nearby. It is alleged that petitioner who is widow (wife of brother of accused No.1) had illicit relationship with accused No.1 and she saw them in objectionable condition. It is also alleged that brother of complainant was also assaulted when they questioned the accused people and they kept on demanding dowry.

4. Learned counsel for the petitioner submits that no offence as alleged by prosecution has been committed nor any such incident took place. It is further been submitted that complainant herself tortured the in-laws and deserted her matrimonial home. It is submission of petitioner that she is Jethani of complainant and lived separately unconcerned with family affairs. The allegation is only based on suspicion showing ill thought of complainant and absence of any particular incident renders the story unbelievable.



5. The learned APP vehemently opposes the prayer for quashing and setting aside the cognizance order against petitioner as allegations of adultery and assault are serious in nature.

6. Having heard the learned counsel for the parties and after going through the records of the case, it is evident that the petitioner happens to be the widow sister-in-law (Bhabhi) of the husband of the complainant. It has also been observed that from a plain reading of the FIR, it would be evident that the allegations of demand are stated to have started even prior to the marriage. The submissions made by the learned counsel for the petitioner that the petitioner being a widow and she happens to be the Jethani of the complainant she does not have anything to say with regard to household matters of her Devar, husband of the complainant and therefore lodging of the present complaint case against the petitioner amounts to abuse of the process of law. It has also been observed that merely on the statement, the ultimate averment of the complainant, the case has been found to be true against the petitioner despite the fact that they were altogether eight witnesses having been examined during the inquiry.

7. Taking into account the fact that the petitioner happens to be the Jethani of the complainant/Bhabhi of the husband of the complainant and also on account of level of allegations being made against the petitioner who is stated to be



like a mother figure to the husband of the complainant, the present case reflects to be the exaggerated version of the matrimonial dispute.

8. In view of the aforesaid discussions and taking into account the fact that there is common practice in such matrimonial disputes of implicating the entire family members and levelling allegations which are not only unbelievable and so exaggerated that the same cannot be said to be reasonable.

9. In view of various judicial pronouncements in case of ***Dara Lakshmi Narayana v State of Telangana (2024) 12 SCR 559*** the Hon'ble Supreme Court has observed:

“25. 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, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent.

28. The inclusion of Section 498A of the IPC by way of an amendment



was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm-twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”

10. This development has been reiterated again in number of instances, one of them being ***Muppidi Lakshmi Narayana Reddy v State of Andhra Pradesh 2025 SCCOnline SC 884*** holding that:

“8. Having heard learned counsel for the parties and on perusal of record it appears that there are omnibus and general allegations against the appellants. As per complaint, although, they reside at Hyderabad, they used to visit Guntur and during such visit they used to instigate accused no. 1/husband and his parents and would also join in demanding dowry. The initial allegation is of demand of Rs. 5,00,000/- made against accused No. 4/appellant no. 1 with further statement that they used to taunt that if accused no. 1 would have married somewhere else, he would have



got Rs. 10 crores dowry. There is no allegation of any physical torture being perpetrated by the present appellants. The allegation is only of taunt and statement that they are highly placed having political influence and connection with Ministers as such they instigated accused no. 1 to accused no. 3 to pressurise the de-facto complainant to get additional dowry.

12. Considering the entire facts of the case, we are of the view, having relied on this Court's previous decisions in Geeta Mehrotra (supra) & Dara Lakshmi Narayana (supra), the present criminal case against the appellants deserves to be quashed. Accordingly, the appeal is allowed and Criminal Case No. 359 of 2016 against the appellants is quashed."

11. Considering the facts aforesaid and taking into account the submissions made by the learned counsel for the parties, the order impugned dated 04.09.2024 passed in Complaint Case No. 1090 of 2021 dated 07.06.2021 by the learned Judicial Magistrate 1st Class, Muzaffarpur (East) as against the petitioner is, hereby, quashed.

(Sourendra Pandey, J)

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