

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19083 of 2019

Arising Out of PS. Case No.-170 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Ram Pravesh Singh S/O Late Kamal Dhari Singh Resident Of Village-Dhanawan English, P.S.- Nasriganj, District- Rohtas.
 2. Kamla Devi W/O Ram Pravesh Singh Resident Of Village-Dhanawan English, P.S.-Nasriganj, District-Rohtas
 3. Ranjeet Singh Son Of Ram Pravesh Singh Resident Of Village-Dhanawan English, P.S.-Nasriganj, District-Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Kishlay Wife of Late Baljeet Singh, Resident of Village-Dhanawan English, P.S.-Nasriganj, District-Rohtas. At present Daughter of Raj Kumar Yadav @ Raju Yadav, R/Mohalla-Gopalganj, north of Sasaram Railway Station, Sasaram, P.S.-Sasaram (Town), District-Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 16-07-2026

1. Heard the parties.

2. Present petition preferred by the petitioner under Section 482 of Code of Criminal Procedure (in short Cr.P.C.) for quashing of order dated 24.07.2018, passed by learned S.D.J.M, Sasaram, Rohtas, in Complaint P.S. Case no. 170 of 2018.

3. As per complaint case complainant married Baljit Singh (son of petitioner no.1 and 2) on 27.04.2015 as



per Hindu rites. She claimed her father gave substantial dowry yet after the "Vedai," the accused began taunting her for insufficient dowry and pressurising her and her husband to bring a Maruti car, subjecting her to abuse and cruelty. The complainant further alleged that when her husband fell seriously ill on duty, she was denied access to him by her in-laws, and he later died during treatment at a Varanasi hospital. After his last rites, she alleged the accused intensified their cruelty abusing her, confining her for two days allegedly to push her toward suicide, withdrawing her deceased husband's funds, and pressuring her to marry petitioner no. 3. She further alleged that on 19.02.2018, the accused assaulted her, snatched her ornaments, motorcycle, and her husband's mobile phone, then dropped her at her father's house with threats.

4. Learned counsel appearing on behalf of petitioner that husband of complainant/ O.P. No. 2 and son of petitioner no. 1 and 2 and the brother of petitioner no. 3 died in the year 2017 just after 2 years of his marriage with complainant due to certain ailments at Banaras. It is



submitted that after his death the complainant got job on compensate ground in Indian Railway, where her husband was working. It is submitted that to check petitioner no. 3 who is the brother of the deceased husband from joint property, the present false case was lodged. It is submitted that with general and omnibus allegation all petitioners were implicated with present crime in question which is purely unfounded.

5. Arguing further, it is submitted that complainant/ O.P. No. 2 solemnized her second marriage after death of the son of the petitioner no. 1 and 2 as discussed aforesaid and enjoying her married life having one child out of said wedlock.

6. Learned counsel for the informant Dharmendra Kr. Singh could not disputed the aforesaid factual submission.

7. In view of aforesaid, learned counsel relied upon paragraph no. 102 of the Apex Court decision in the case of ***State of Haryana and Others vs. Bhajan Lal and Others reported in 1992 Supp (1) Supreme Court***



Cases 335, which reads as under:

"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 informant 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 nay 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 persons 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 concerned Act (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 concerned Act, 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."

8. In view of aforesaid submission and by taking note of materials available on record, it appears that to settle private vengeance present complaint case are lodged by complainant with general and omnibus allegation of cruelty. Petitioners are in-laws and complainant already solemnized her another marriage.

9. Considering aforesaid and further by taking note of golden principle of "Para-7" of ***Bhajan Lal case (supra)***, the cognizance order *qua* above named three petitioners, dated 24.07.2018 stands quashed/ set aside.

10. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2026
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