

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41836 of 2018

Arising Out of PS. Case No.-1171 Year-2014 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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1. Sakindra Ram, S/o Parikshan Ram,
 2. Premasila Devi @ Paramshila Devi, W/o Sakindra Ram, Both Resident of Village- Dighi, Chakfajullah, P.S.- Hajipur Sadar, District- Vaishali.
 3. Sona Devi, W/o Nagendra Ram, resident of Village- Lavapur Salempur, P.S. Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari, W/o Ram Ratan Ram @ Ratan Kumar, Resident of Village- Dighi Chakfajullah, P.S.- Hajipur Sadar, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Sinha, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the O.P. No.2	:	Mr. Ravish Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 30-04-2026 1. Heard learned counsel for the petitioners and learned counsel for the O.P. No.2 as well as learned APP for the State.

2. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 invoking the inherent jurisdiction of this Court for quashing of the order dated 23.11.2015 passed by the learned S.D.J.M., Vaishali at Hajipur (hereinafter referred to as 'Magistrate') in connection with Tr. No. 4586 of 2014 arising out of Complaint Case No. 1171 of 2014, wherein the learned Magistrate took cognizance



of the offence punishable under Section 498A of the Indian Penal Code, 1860 against the petitioners herein and other accused persons and summons have been directed to be issued.

3. The brief facts of the case, as emerging from the complaint petition, are that the complainant (O.P. No.2), namely Pinki Kumari, was married to one Ramratan Ram (co-accused) on 09.02.2011 according to Hindu rites and customs. It is alleged that after the marriage, she resided at her matrimonial home and a male child was born out of the wedlock. The grievance of the complainant (O.P. No.2) is that after some time of the birth of the child, the husband along with the present petitioners and other family members allegedly demanded a sum of Rs. 50,000/- as dowry and, upon non-fulfilment of the said demand, subjected her to cruelty, abuse and physical assault. It is further alleged that on 19.04.2014, she was ousted from her matrimonial home after being assaulted and her ornaments were allegedly snatched, whereafter she took shelter at her parental house. On the basis of the aforesaid allegations, the complaint case bearing Complaint Case No.1171 of 2014 came to be instituted for the offences under Sections 498A, 323, 379, 504 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.



4. Upon perusal of the materials available on record, including the complaint petition, solemn affirmation of the complainant and the statements of the inquiry witnesses recorded during the course of inquiry, the learned Magistrate found *prima facie* grounds to proceed and accordingly took cognizance of the offence under Section 498A of the Indian Penal Code, 1860 and issued summons against the accused persons, including the present petitioners, who are brother-in-law (petitioner no.1), sister-in-law (petitioner no.2) and mother-in-law (petitioner no.3) of the O.P. No.2, *vide* the impugned order dated 23.11.2015. Aggrieved by the said order of cognizance, the petitioners herein have preferred the present Criminal Miscellaneous Application invoking the inherent jurisdiction of this Court for quashing the impugned order of cognizance.

5. Learned counsel for the petitioners submits that the impugned order is wholly unsustainable in the eyes of law, as the learned Magistrate has taken cognizance in a mechanical manner without proper application of judicial mind. It is submitted that even if the allegations made in the complaint petition are taken at their face value, the same are general, omnibus and vague in nature, lacking specific attribution of



overt acts against the present petitioners, who are the brother-in-law (*nandoshi*), married sister-in-law (*nanad*) and mother-in-law of the complainant/O.P. No.2. Learned counsel further submits that the petitioners have been falsely implicated only on account of their relationship with the husband and no specific instance of cruelty or demand of dowry has been attributed to them so as to attract the ingredients of Section 498A of the Indian Penal Code, 1860.

6. Learned counsel for the petitioners further submits that the continuation of the criminal proceeding against the petitioners would amount to abuse of the process of the Court, as the dispute, if any, is purely matrimonial in nature arising out of trivial domestic discord between husband and wife. He submits that the materials collected during inquiry, including the solemn affirmation and statements of witnesses, do not disclose any *prima facie* case against the petitioners. It is thus submitted that the impugned order of cognizance is fit to be quashed to secure the ends of justice.

7. Learned counsel for the O.P. No. 2 has opposed the prayer for quashing and submits that the complaint petition clearly discloses a *prima facie* case against the petitioners. It is submitted that there are specific allegations regarding demand



of dowry, cruelty and assault, and at this stage of cognizance, a meticulous examination of evidence is neither warranted nor permissible. Learned counsel further submits that the learned Magistrate, upon due consideration of the materials on record has rightly taken cognizance for the offence under Section 498A of the Indian Penal Code, which calls for no interference by this Court in exercise of its inherent jurisdiction.

8. Learned APP for the State submits that the impugned order has been passed after due consideration of the materials available on record and the learned Magistrate has rightly found a *prima facie* case against the accused persons. However, it is fairly submitted that this Court may pass appropriate orders in accordance with law on the basis of the materials available on record.

9. Having considered the rival submissions and on examination of the record, it is trite that the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure is to be invoked with great caution and only to prevent abuse of the process of the Court or to secure the ends of justice. At the stage of cognizance, the Court is required to ascertain whether the allegations, taken at their face value, disclose the commission of any offence and not to undertake a



detailed evaluation of the evidence or its reliability. Nonetheless, where the allegations are general in nature, lack specific particulars, or fail to constitute the essential ingredients of the alleged offence, this Court would be justified in exercising its inherent powers to quash such proceedings.

10. It is equally well settled that in cases arising out of matrimonial disputes, the tendency to implicate all family members of the husband without specific and distinct allegations has been deprecated by the Hon'ble Supreme Court in a catena of decisions. The Hon'ble Apex Court has consistently held that vague and omnibus allegations, without any *prima facie* material indicating active involvement, would not justify the continuation of criminal proceedings against such relatives. However, it is equally settled that where the allegations are inherently improbable, absurd, or do not disclose the essential ingredients of the alleged offences, or where the proceeding appears to be manifestly attended with *mala fide* and instituted with ulterior motive, the Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of law.

11. At this stage, it is apposite to reproduce some relevant paragraphs of the judgment of Hon'ble Supreme Court



in the case of *Abhishek v. State of Madhya Pradesh*, reported in **(2023) 16 SCC 666** with respect to the contours of the power to quash criminal proceedings under Section 482 of the Cr.P.C. The Hon'ble Apex Court observed as under:

“16. 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 v. State of Bihar [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused [Mohd. Ikram v. State of Bihar, 2019 SCC OnLine Pat 1985] to quash an FIR registered for various offences, including Section 498-AIPC. 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 498-AIPC 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.

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*19. Of more recent origin is the decision of this Court in **Mahmood Ali v. State of U.P.** [(2023) 15 SCC 488] on the legal principles applicable apropos Section 482 CrPC. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC 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.”*

12. The Hon’ble Supreme Court in **Achin Gupta v. State of Haryana and Anr.**, reported in (2025) 3 SCC 756 has observed as under:

*“35. In one of the recent pronouncements of this Court in **Mahmood Ali v. State of U.P.** [Mahmood Ali v. State of U.P., (2023) 15*



SCC 488] , authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482 CrPC was examined. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482CrPC 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."

(emphasis supplied)

13. Upon careful consideration of the allegations made in the complaint petition as well as the materials collected during the inquiry, it transpires that the accusations against the present petitioners are largely general and omnibus in nature. The complaint, though containing allegations of demand of dowry and cruelty, does not disclose any specific overt act attributed to the petitioners, who are the brother-in-law, married



sister-in-law and mother-in-law of the O.P. No.2. The statements recorded on solemn affirmation and during inquiry also do not bring on record any distinct role played by the petitioners so as to satisfy the essential ingredients of the offence under Section 498A of the Indian Penal Code. The implication of the petitioners appears to be primarily on account of their relationship with the husband, which, in absence of specific allegations, cannot be a ground to proceed against them.

14. Furthermore, this Court finds that the learned Magistrate, while passing the impugned order, has not adverted to the absence of specific materials against the petitioners and has proceeded in a routine manner. In cases arising out of matrimonial disputes, there is a growing tendency to implicate all family members without distinction, and therefore, the Court dealing with such disputes is required to scrutinize the materials with greater care at the stage of cognizance. In the present case, continuation of the criminal proceeding against the petitioners, in the absence of concrete and specific allegations, would amount to misuse of the process of law.

15. In this context, this Court is guided by the principles laid down by the Hon'ble Supreme Court in *State of Haryana and Ors. v. Bhajan Lal and Ors.*, reported in 1992



Supp (1) SCC 335 and ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Anr.***, reported in ***2025 SCC OnLine SC 1947***, wherein illustrative categories have been enumerated where the inherent powers under Section 482 of the Code of Criminal Procedure may be exercised to quash criminal proceedings. One such category is where the allegations made in the complaint, even if taken at their face value and accepted in entirety, do not *prima facie* constitute any offence or make out a case against the accused. Another category covers cases where the criminal proceeding is manifestly attended with *mala fide* or instituted with an ulterior motive for wreaking vengeance. Applying the said principles to the facts of the present case, this Court finds that the allegations against the petitioners are general and omnibus in nature without any specific role attributed to them, and thus allowing the prosecution to continue against them would amount to abuse of the process of the Court.

16. Resultantly, in view of the discussions made hereinabove and in the light of the settled legal principles, this Court is of the considered opinion that the impugned order dated 23.11.2015 passed by the learned S.D.J.M., Vaishali at Hajipur in connection with Tr. No. 4586 of 2014, arising out of Complaint Case No. 1171 of 2014, so far as it relates to the



present petitioners, is not sustainable in the eyes of law.
Consequently, the said order of cognizance *qua* the present
petitioners is hereby quashed.

17. The present Criminal Miscellaneous Application,
accordingly, stands allowed.

18. Let a copy of this order be communicated to the
Court concerned forthwith for needful.

(Sunil Dutta Mishra, J)

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