

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20906 of 2023

Arising Out of PS. Case No.-875 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. VIJAY SHANKAR DUBEY S/o Late Chandra Shekhar Dubey Resident of 4M/116, Bahadurpur, Housing Colony, Patna-26
 2. ANJANA DUBEY W/o Sri Vijay Shankar Dubey Resident of 4M/116, Bahadurpur, Housing Colony, Patna-26
 3. KUMAR SHIVAM S/o Sri Vijay Shankar dubey Resident of 4M/116, Bahadurpur, Housing Colony, Patna-26
 4. BHANU SHREE D/o Sri Vijay Shankar Dubey Resident of 4M/116, Bahadurpur, Housing Colony, Patna-26

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Saumya Dwevedi D/O- Piyush Kumar Dwevedi at present resident of Asha Village, chinni(Sugar) Mill Road,Bihta, P.S.-Bihta, district- Patna, R/O village- Datiyana, P.S.-Vikram, district- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kunal Tiwary, Advocate
For the State	:	Mr.Pramod Kumar Pandey, APP
For the O.P. No. 2	:	Mr. Manoj Kumar Singh, Advocate
	:	Mr. Saurav Karn, Advocate
	:	Mr. Saurabh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 25-06-2026

Heard learned counsel for the petitioners as well as
learned counsel for the opposite parties.

2. The instant petition has been filed on behalf of the
petitioners for quashing the order taking cognizance dated
16.08.2022 passed by learned Chief Judicial Magistrate in
Complaint Case No. 875(C) of 2022 whereby cognizance has been



taken for the offences punishable under Section 498(A), 307 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

3. The allegation is of demand of dowry and torture. The allegation as pointed out by learned counsel for the opposite party against these petitioners who are father-in-law, mother-in-law, brother-in-law and sister-in-law respectively is that on the next date of marriage they objected to the size of plate and started throwing away the goods. Further allegation is that the mother-in-law forced her to eat expiry biscuit. Under force she consumed it and got ill but she was not taken to hospital. Thereafter, on 08.01.2022 all the accused persons brought kerosene in the courtyard and they were indicating amongst themselves and asking the husband to kill her.

4. Learned counsel for the petitioner submits that the thrust of allegation is against the husband who is responsible for the well being of the lady in the matrimonial home. Moreover, the allegations are without any objective support. The frustration with regard to demand of dowry and forcing the lady to eat expiry biscuits are merely oral allegation with no objective support.

5. Learned counsel for the petitioners relies upon the observation given by the Hon'ble Supreme Court in *Abhishek vs.*



State of Madhya Pradesh reported in ***[2023 SCC Online SC***

1083] has held at para 13, 14, 15 and 16 that:-

“(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.”

6. Learned counsel for the O.P. No.2 states that these constitute prima facie allegation. In the case of ***Salib v. State of U.P.***, reported in ***(2023) 20 SCC 194***, the Hon’ble Supreme Court in Para 26 has dealt with such a situation while expanding the scope of quashing. It very clearly says that a FIR or a complaint can be a well drafted to give an impression of a prima facie case but the Court has the duty to read between the lines and attending circumstances to see as to whether a prima facie case is being made out. Para 26 of the judgment is quoted hereunder:-



“26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or 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 for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just 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. 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 try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account



the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

7. In the backdrop of allegations as well as large number of judgments of Supreme Court where the practice of implicating in-laws in matrimonial litigation has been deprecated, this application stands allow.

8. Accordingly, the order taking cognizance dated 16.08.2022 passed by learned Chief Judicial Magistrate, Danapur, Patna in Complaint Case No. 875(C) of 2022 is hereby quashed, so far as the petitioners are concerned.

(Ansul, J)

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AFR/NAFR	NAFR
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