IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71454 of 2018

CNR No. BRHC010303112018

Arising Out of PS. Case No.-12 Year-2017 Thana- MAHILA PS District- Darbhanga

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1. Lakhandeo Lal son of Late Laxmi Narayan Lal,
2. Aruna Karn, Wife of Lakhandeo Lal,
3. Nishant Lal Karn @ Nishant Kumar Karn, Son of Lakhandeo Lal, All are resident of Mohalla- Lekha Nagar, P.S. Danapur, District Patna.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Rinki Kumari, daughter of Sri Indra Narayan Lal, resident of Village- Madanpur, P.O.- Madanpur at present residing at Housing Colony L- 158, Both are under P.S.- Bahadurpur, District- Darbhanga.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bindeshwar Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh
For the O.P. No. 2 : Mr. Mazharul Hassan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 29-10-2026 Heard the learned counsel for the petitioner, the learned APP for the State, and the learned counsel for the O.P. No. 2.

2. Petitioner No. 1 has died, and by order dated 28.07.2026, the prayer made on his behalf was withdrawn. Accordingly, the present application survives only in respect of Petitioner Nos. 2 and 3.

3. Petitioner No. 2 is the mother-in-law, and Petitioner No. 3 is the brother-in-law (*devar*) of Opposite Party No. 2. The present application, therefore, requires consideration only with respect to the aforesaid two petitioners.

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4. This application has been filed for quashing the order dated 03.11.2017 passed by the learned Court of the Sub-Divisional Judicial Magistrate (S.D.J.M.), Darbhanga, in connection with Mahila P.S. Case No. 12 of 2017, corresponding to C.R.I. No. 289 of 2017, whereby and whereunder the learned court below has taken cognizance of the offences punishable under Sections 323, 379, 498A and 506 read with Section 34 of the Indian Penal Code, as well as Sections 3 and 4 of the Dowry Prohibition Act, against the petitioners and other co-accused persons.

5. The prosecution case, in brief, is that the informant, Rinki Kumari (Opposite Party No. 2), lodged a written report before the Station House Officer, Mahila Police Station, Darbhanga, alleging, *inter alia*, that she was married to petitioner Prashant Kumar Karn on 27.11.2011 in accordance with Hindu rites and customs. She alleged that, after about a year of marriage, her husband and in-laws subjected her to harassment in connection with a demand for Rs. 5,00,000/- as dowry, on the pretext of which her husband threatened not to keep her and to remarry. She further alleged that, on 07.01.2017, her husband and in-laws assaulted her, attempted to kill her, and misappropriated articles worth approximately Rs. 3,00,000/- given by her father at the time of marriage.

6. On the basis of the aforesaid allegations, Mahila

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P.S. Case No. 12 of 2017 dated 04.02.2017 was registered under Sections 323, 379, 498A, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

7. Upon completion of the investigation, the police submitted Charge Sheet No. 23/2017 dated 20.03.2017 against the petitioners and other co-accused persons for the aforesaid offences.

8. Learned counsel appearing on behalf of the petitioners submits that the allegations levelled against the surviving petitioners are general, vague and omnibus in nature. It is contended that the First Information Report does not disclose any specific overt act attributable to the surviving petitioners and the specific allegations primarily relate to the husband of the informant wshaliniho has preferred a separate application seeking quashing of the criminal proceedings. Accordingly, it is prayed that the prosecution of the surviving petitioners be quashed.

9. Per contra, learned counsel appearing on behalf of Opposite Party No. 2 submits that the petitioners are deliberately evading service of summons and notices in the connected proceedings. It is further contended that they have sold their residential house and are not disclosing their present and correct address. Learned counsel submits that the allegations in the First Information Report disclose the

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commission of cognizable offences against all the accused persons and this Court, while exercising its jurisdiction at the threshold, ought not to conduct a mini-trial to assess the veracity of the allegations or the respectshaliniive roles of the accused. It is argued that the allegations can be examined and tested during trial, upon appreciation of the evidence adduced by the prosecution, and no case for quashing the criminal proceedings is made out against the petitioners. Learned APP appearing on behalf of the State has also vehemently opposed the prayer for quashing.

10. I have considered the rival submissions advanced on behalf of the parties and perused the materials available on record. From the allegations contained in the First Information Report and the materials collected during the investigation, it appears that specific allegations of harassment and torture have been levelled against the husband and mother-in-law of Opposite Party No. 2. In the facts and circumstances of the case, the allegations against Petitioner No. 2, being the mother-in-law of the informant, cannot be brushed aside at this stage. Accordingly, I am not inclined to exercise the inherent jurisdiction of this Court in her favour. The prayer for quashing the criminal proceedings, insofar as Petitioner No. 2 is concerned, is, therefore, rejected.

11. However, so far as Petitioner No. 3, the brother-in-

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law *(Devar)* of Opposite Party No. 2, is concerned, the allegations levelled against him appear to be general and omnibus in nature, without specifying any particular overt act attributable to him. Having regard to the nature of the allegations and the materials available on record, this Court is of the view that the continuation of the criminal proceedings against Petitioner No. 3 would not be justified in the absence of specific allegations disclosing his individual involvement in the alleged offences.

12. In view of the law laid down by the Hon'ble Supreme Court in ***Preeti Gupta & Anr. v. State of Jharkhand & Anr.***, reported in ***(2010) 7 SCC 667; Kahkashan Kausar alias Sonam v. State of Bihar***, reported in ***(2022) 6 SCC 599***; and ***Achin Gupta v. State of Haryana & Anr.,*** reported in ***2024 SCC OnLine SC 759*** and the facts and circumstances of the present case, this Court is inclined to allow the prayer for quashing made on behalf of Petitioner No. 3.

13. Accordingly, the order dated 03.11.2017 passed by the learned Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Mahila P.S. Case No. 12 of 2017, corresponding to C.R.I. No. 289 of 2017, is hereby quashed to the extent it relates to Petitioner No. 3 alone. The criminal proceedings against the other accused persons including the Petitioner No. 2 shall continue in accordance with law.

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14. The application is ***partly allowed.***

15. At this stage, learned counsel appearing on behalf of Opposite Party No. 2 has pointed out that Sri Bindeshwar Kumar, learned counsel appearing on behalf of the petitioners in the present application, also represents the husband of Opposite Party No. 2 in a connected quashing application. It is further submitted that the husband has been avoiding appearance in Maintenance Case No. 37 of 2017, pending before the learned Principal Judge, Family Court, Darbhanga.

16. In view of the aforesaid submission, it is observed that the husband of Opposite Party No. 2 has now acquired knowledge of the pendency of the aforesaid maintenance proceeding. Accordingly, he is directed to appear before the learned Principal Judge, Family Court, Darbhanga, in Maintenance Case No. 37 of 2017, either in person or through duly authorized counsel, so that the proceeding may be taken forward without any further delay.

17. The learned Principal Judge, Family Court, Darbhanga, is directed to dispose of Maintenance Case No. 37 of 2017 expeditiously, preferably within a period of three months from the date of communication or production of a copy of this order. If the husband fails to appear or be represented despite knowledge and sufficient opportunity, the learned court below shall be at liberty to proceed *ex-parte* and

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dispose of the matter in accordance with law.

18. Learned counsel for the petitioners, Sri Bindeshwar Kumar, has undertaken to furnish the current and correct address of the concerned petitioner in the pending and connected proceedings before the appropriate courts and to ensure that the updated address is communicated wherever required.

19. Let a copy of this order be communicated to the Principal District & Sessions Judge, Darbhanga through FAX or e-mail for immediate compliance.

(Sandeep Kumar, J)

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