

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35842 of 2024

Arising Out of PS. Case No.-849 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Rampreet Singh S/o Ram Sakal Singh RESIDENT OF VILLAGE USARA
POLICE STATION SANJHAULI DISTRICT ROHTAS
 2. Rita Devi W/o Gupteshwar Singh @ Munna Singh RESIDENT OF
VILLAGE USARA POLICE STATION SANJHAULI DISTRICT ROHTAS
 3. Sumit Singh @ Sumit Kumar S/o Gupteshwar Singh @ Munna Singh
RESIDENT OF VILLAGE USARA POLICE STATION SANJHAULI
DISTRICT ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manju Devi W/o Sidheshwar Singh, D/o Awdhesh Kumar Singh R/o vill -
Patrawal, P.O. - Natwar, P.S. - Bikramganj, Distt. - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kumar Singh, Adv. Mr. Harendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Nagendra Upadhyay, Adv. Mr. Maya Shankar Mishra, Adv.
For the State	:	Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the O.P. No. 2 and learned A.P.P.

for the State.

2. The petitioners have made the following prayer in
this application :-

*“That this is an application for quashing
of the order dated 14.12.2023 passed in
Complaint Case No. 849 of 2023 by the*



learned Court of S.D.J.M., Bikaramganj, Rohtas by which the learned Court below has been pleased to take the cognizance the offences under Sections 504, 323, 498(A) of the Indian Penal Code and further issued the summons to the petitioners.”

3. This Court finds that with general and omnibus allegation levelled against the petitioners, the present case has been lodged. It has further been observed that the petitioner no. 1 happens to be the father-in-law and is presently 70 years of age and it has further been alleged that all the accused persons used to demand dowry and assaulted and even tortured the complainant/ O.P. No. 2. From the averments made in the complaint, an allegation of demand of laptop and motorcycle etc., have been made. However, no specific dates of this allegation have been levelled against the accused persons and an allegation of illicit relationship with the accused no. 3/ petitioner no. 2 have been made and from perusal of the complaint, it transpires that no specific averments with regard to the petitioner no. 3 has been made in the entire complaint.

4. It is well settled law as decided by the Hon'ble Supreme Court in the case of ***Dara Laxmi Narayana vs. State***



of Telangana reported in (2025) 3 SCC 735, wherein it has been held that the complaint/ F.I.R. are lodged with an ulterior motive only to settle personal score and vengeance against the husband and the entire family members of the accused with vague and omnibus allegation without giving specific details including the date, time, place or manner of occurrence of the alleged occurrence. At this juncture, it is relevant to refer to the judgment pronounced by the Hon'ble Supreme Court in the case of *Dara Laxmi Narayana vs. State of Telangana reported in (2025) 3 SCC 735*, wherein it was observed :-

27. 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, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in. different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

30. The inclusion of Section 498-A 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 498-A 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 scrutinised, 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 498-A 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.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second



respondent herein, a complaint under Section 498-A IPC is lodged by the latter. In fact, the insertion of the said a provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

8. In view of the aforesaid, the order dated 14.12.2023 as well as the entire criminal proceeding arising out of Complaint Case No. 849 of 2023, is, hereby, quashed as against the petitioners.

9. The application stands allowed.

(Sourendra Pandey, J)

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