

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.439 of 2018

Arising Out of PS. Case No.-36 Year-2014 Thana- CHAND District- Kaimur (Bhabua)

Santosh Kumar Yadav @ Santosh Kumar @ Guddu son of Haridwar Yadav, resident of Village- Chand, P.S.- Chand, District- Kaimur Bhabua at present residing at New Majari Colliery, Chaitanya Colony, Q- C- 148, Shivaji Nagar, P.S. Majri, P.O. Shivaji Nagar, District- Chadrapur, Maharastra, Pin Code- 442503.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari, Daughter of Bimal Prasad Singh, resident of Village- Bhatwalia, P.S.- Kudra, District- Kaimur.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1336 of 2018

Arising Out of PS. Case No.-36 Year-2014 Thana- CHAND District- Kaimur (Bhabua)

1. Haridwar Yadav @ Haridwar Singh Yadav son of late Jhumri Yadav
2. Fulmati Devi wife of Haridwar Yadav
3. Manoj Kumar @ Manoj Kumar Yadav son of Haridwar Yadav all are residents of village - Chand, P.S. - Chand, District - Kaimur Bhabua at present residing at New Majari Collier, Chaitanya Colony, Q - C - 148, Shivaji Nagar, P.S. Majri, P.O. Shivaji Nagar, District Chandrapur, Maharastra, Pin Code - 442503.
4. Kiran Devi @ Kiran Devi wife of Manoj Kumar
5. Manoj Kumar @ Manoj Rajendra Yadav son of Rajendra Yadav Both are residents of Majari, P.S. Majri, P.O. Shivaji Nagar, District Chandrapur, Maharastra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari Daughter of Bimal Prasad Singh resident of Village - Bhatwalia, P.S. - Kudra, District - Kaimur.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 439 of 2018)

For the Petitioner/s :	Mr. Anjani Kumar Jha, Advocate
	Mr. Vishwa Shri Rajendra, Advocate
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP
	Mr. Nagendra Prasad Yadav, Advocate



(In CRIMINAL MISCELLANEOUS No. 1336 of 2018)

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
Mr. Vishwa Shri Rajendra, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar -I, APP
Mr Nagendra Prasad Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

13 07-07-2026 **Reg.:-CRIMINAL MISCELLANEOUS No.439 of 2018**

1. Heard learned counsel for the parties and learned APP for the State.

2. This petition has been filed under Section 482 of Cr.P.C. for quashing the order dated 06.09.2017 passed by learned Sessions Judge, Kaimur at Bhabua in Cr. Revision No. 95 of 2017 as well as the order dated 27.04.2017 passed by learned A.C.J.M.-V, Bhabua in Chand P.S. Case No. 36 of 2014.

3. After some arguments, learned counsel for the petitioner submits that this case may be disposed of with liberty to the petitioner to take all the points as raised in this petition, before the learned Trial Court at appropriate stage in accordance with law.

4. Learned APP for the State and learned counsel of O.P. No.2 have no objection to this prayer of the petitioner.

5. In view of the above, this case stands disposed of with liberty to the petitioner, as prayed for.

Reg.:-CRIMINAL MISCELLANEOUS No. 1336 of 2018

6. Heard learned counsel for the parties and learned



APP for the State.

7. The present Criminal Miscellaneous application has been preferred under Section 482 of the Code of Criminal Procedure for quashing the order dated 06.09.2017 passed by the learned Sessions Judge, Kaimur at Bhabhua in Criminal Revision No. 95 of 2017, whereby the revision application preferred by the petitioners against the order dated 27.04.2017 has been rejected, and further for quashing the order dated 27.04.2017 passed by the learned A.C.J.M.-V, Kaimur at Bhabhua arising out of Chand P.S. Case No. 36 of 2014, whereby the petitioners' discharge application has been dismissed.

8. Earlier, *vide* order dated 22.06.2026, the present quashing application with respect to petitioner no. 2, namely, Fulmati Devi has already been dismissed as withdrawn since she died during the pendency of the case.

9. The prosecution case, as set out in the FIR., is that the marriage of the informant (O.P. No.2) with Santosh Kumar Yadav (co-accused) was solemnized in the year 2004. At the time of marriage, sufficient cash, ornaments, household articles and a motorcycle were allegedly given as gift. It is alleged that after the marriage, the O.P No.2 was subjected to cruelty by her



husband and in-laws on account of dissatisfaction with the articles given in marriage. Subsequently, the husband allegedly demanded a four-wheeler car and, upon non-fulfilment of the said demand, the O.P No.2 was subjected to physical and mental cruelty by her husband and petitioners herein. It is further alleged that when O.P. No.2 came to know about the proposed second marriage of her husband and protested, she was assaulted by her husband and petitioners and was driven out of her matrimonial home after snatching her clothes and jewellery. On the basis of the aforesaid allegations, an FIR bearing Chand P.S. Case No. 36 of 2014 was instituted under section 498A read with section 34 of the Indian Penal Code against present petitioners and husband of O.P. No.2 on 16.06.2014.

10. Upon completion of investigation, the Investigating Officer submitted charge-sheet under Section 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against accused persons except petitioner nos. 4 and 5. Thereafter, the learned Judicial Magistrate 1st Class, Kaimur at Bhabhua, *vide* order dated 04.09.2015, took cognizance of the aforesaid offences against the petitioners and husband of O.P. No.2. The petitioners thereafter preferred an application for discharge. However, the



learned A.C.J.M.-V, Kaimur at Bhabhua, *vide* order dated 27.04.2017, rejected the prayer for discharge. Aggrieved by the said order, the petitioners preferred Criminal Revision No. 95 of 2017 before the learned District & Sessions Judge, Kaimur at Bhabhua. The learned Sessions Judge, *vide* order dated 06.09.2017, dismissed the revision application at the stage of admission on the ground that allegation as made FIR gets support from statements of material witnesses mentioned in paras 2, 3, 4 and 5 of case diary. Aggrieved thereby, the petitioners have preferred the present application under Section 482 of the Code of Criminal Procedure seeking quashing of the orders dated 27.04.2017 and 06.09.2017, as well as the entire criminal proceeding arising out of Chand P.S. Case No. 36 of 2014 insofar as the surviving petitioners are concerned.

11. Learned counsel for the petitioners submits that the impugned orders dated 27.04.2017 and 06.09.2017 have been passed in a routine and mechanical manner without proper appreciation of the materials available on record. Learned Counsel further submits that the allegations made in the FIR are vague, omnibus and general in nature and no specific overt act has been attributed to any of the petitioners. The petitioners have been roped in merely because they are the relatives of the



husband. He further submits that petitioner nos.1 and 3 are father-in-law and brother-in-law of O.P. No.2 respectively, and petitioner nos. 4 and 5, who are the married sister-in-law and her husband respectively residing separately, were found innocent during investigation, yet cognizance was taken against them mechanically.

12. Learned counsel for petitioners submits that the marriage between O.P. No.2 and her husband had already been dissolved by an ex parte decree of divorce dated 23.07.2013, much prior to the institution of the present FIR., and the present prosecution is nothing but a counterblast to the said decree. It is, thus, submitted that continuation of the criminal proceeding against the surviving petitioners would amount to an abuse of the process of the Court and, accordingly, the orders dated 27.04.2017 and 06.09.2017, as well as the entire criminal proceeding arising out of Chand P.S. Case No. 36 of 2014 deserves to be quashed in exercise of the inherent jurisdiction of this Court.

13. Learned counsel for O.P. No.2 submits that the materials collected during investigation, including the allegations made in the FIR and the statements of the witnesses in case diary, *prima facie* disclose the commission of the



offences alleged by the petitioners. Learned counsel further submits that O.P. No.2 has challenged the ex parte decree of divorce, which is pending for consideration. He lastly, submits that at this stage, a meticulous appreciation of evidence is impermissible and hence, the present application, being devoid of merit, be dismissed.

14. Learned APP for the State conceded that the petitioners are the in-laws of the O.P. No.2 and further submits that this Court may pass appropriate order in the interest of justice.

15. Having heard the learned counsel for the parties as well as the learned APP for the State, and upon perusal of the materials available on record, the principal question which arises for consideration before this Court is whether, in the facts and circumstances of the present case, the impugned orders dated 27.04.2017 and 06.09.2017 rejecting the petitioners' prayer for discharge warrant interference in exercise of the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

16. At the outset, it is well settled that the inherent jurisdiction of the High Court under Section 482 Criminal Procedure Code is to be exercised sparingly, with circumspection and in the exceptional circumstances. While



exercising such jurisdiction, the Court is required to assess whether the uncontroverted allegations in the complaint petition/FIR and the materials brought on record, taken at their face value, *prima facie* disclose the commission of the alleged offence against the accused and make out a *prima facie* case for proceeding against them. If the allegations are so absurd and inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding, or where the proceeding is manifestly attended with *mala fide* and has been instituted with an ulterior motive for wreaking vengeance, the same is liable to be quashed to secure the ends of justice.

17. 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. in matrimonial offences. 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-A 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 498-A 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.

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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.”

18. In the present case, this Court has carefully perused submission of parties as well as materials available on records. It transpires that except making general and omnibus allegations against present petitioners, no specific overt act or distinct role has been attributed to the present petitioners. The allegations regarding demand of dowry and cruelty are vague in nature and do not disclose as to which of the petitioners had made the alleged demand or subjected the O.P. No.2 to cruelty. The petitioners are the father-in-law, brother-in-law, married sister-in-law and the husband of the married sister-in-law of O.P. No.2. It further appears from the record that petitioner nos. 4 and 5, who are admittedly residing separately, were found innocent during investigation, yet cognizance was taken against them.

19. It further transpires from the materials on record that the marriage between the O.P. No.2 and her husband had



already been dissolved by an ex parte decree of divorce dated 23.07.2013, whereas the present FIR came to be instituted thereafter as a counterblast of divorce decree.

20. The Supreme Court has consistently held that in matrimonial disputes there is an increasing tendency to implicate all the relatives of the husband on the basis of vague and omnibus allegations. It has been held that criminal proceedings against the relatives of the husband cannot be permitted to continue in the absence of specific allegations disclosing their individual role, and that the High Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of the Court. Likewise, in *State of Haryana and Ors. v. Bhajan Lal and Ors.*, reported in *1992 Supp (1) SCC 335*, the Hon'ble Supreme Court has held that where the allegations, even if taken at their face value, do not *prima facie* constitute the alleged offence or where the criminal proceeding is manifestly attended with *mala fides*, the High Court may exercise its inherent jurisdiction to secure the ends of justice.

21. Applying the aforesaid settled principles to the facts of the present case, this Court is of the considered opinion that the allegations against the surviving petitioners are wholly general, omnibus and bereft of any specific material indicating their individual involvement and hence, continuation of the



criminal proceeding against the surviving petitioners would, therefore, amount to an abuse of the process of the Court.

22. Accordingly, the impugned order dated 27.04.2017 passed by the learned A.C.J.M.-V, Kaimur at Bhabhua and the order dated 06.09.2017 passed by the learned Sessions Judge, Kaimur at Bhabhua in Criminal Revision No. 95 of 2017 are hereby set aside. Consequently, the entire criminal proceeding arising out of Chand P.S. Case No. 36 of 2014 is quashed qua petitioner nos. 1, 3, 4 and 5.

23. The present Criminal Miscellaneous Application with respect to petitioner nos. 1, 3, 4 and 5 is, accordingly, allowed.

24. Interim order(s), if any, stands vacated.

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

(Sunil Dutta Mishra, J)

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