

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9683 of 2018

Arising Out of PS. Case No.-6176 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Rashid Ahmad, S/o Md. Jiyauddin,
 2. Sahabuddin, S/o Md. Jiyauddin,
 3. Sabauddin, S/o Md. Jiyauddin,
 4. Rahmat @ Noori, W/o Md. Rashid,
 5. Jalaluddin, S/o late Qumaruddin
 6. Talhat W/o Jalaluddin
 7. Nasima Khatoon, W/o Md. Jiyauddin All R/o- Mohalla- Khankah,
Makhdumbagh, P.S.- Laheri, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Qayanat Sazia, W/o Zahid Ahmad @ Pappu, D/o Ale Rasum, R/o Vill-
Koshi, PS- Roh, Distt- Nawada.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11020 of 2018

Arising Out of PS. Case No.-6176 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Rashid Ahmad, S/o Md. Jiyauddin
 2. Sahabuddin, S/o Md. Jiyauddin
 3. Sabauddin, S/o Md. Jiyauddin
 4. Rahmat @ Noori, W/o Md. Rashid
 5. Jalaluddin, S/o late Qumaruddin,
 6. Talhat, W/o Jalaluddin,
 7. Nasima Khatoon, W/o Jiyauddin, all R/o-Mohalla Khankah, Makhdumbah,
PS-Laheri, Distt.-Nalanda.

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Versus

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Koshi, PS-Roh, Distt.-Nawada

... .. Opposite Party/s

Appearance :



(In CRIMINAL MISCELLANEOUS No. 9683 of 2018)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the State : Mr. Bharat Bhushan, APP
For the O.P. No.2 : Mr. Pramod Kumar Verma, Advocate.

(In CRIMINAL MISCELLANEOUS No. 11020 of 2018)

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the State : Mr. Aditya Narayan Singh I, APP
For the O.P. No.2 : Mr. Pramod Kumar Verma, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

12 02-07-2026

Re: Cr. Misc No.9683 of 2018

1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The present application has been preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C') to quash the order dated 13.10.2017 passed by the Court of learned Sessions Judge, Nawada in connection with Cr. Rev. No.64 of 2017, whereby the revision preferred by the present petitioners against the order dated 08.09.2017 passed by the learned S.D.J.M., Nawada in Complaint Case No. C 6176 of 2015 was dismissed, affirming the condition imposed while granting bail requiring the petitioners to remain physically present on each and every date of the proceeding till the appearance of the other co-accused.

3. Learned counsel for the petitioners, at the very outset, submits that he does not wish to press the present application and accordingly, the same may be disposed of.

4. Learned APP for the State submits that he has no



objection if the present application is disposed of as not pressed.

5. In view of the aforesaid submission, the present Criminal Miscellaneous No.9683 of 2018 is disposed of as not pressed.

Re: Cr. Misc No.11020 of 2018

6. The present application has been filed under Section 482 of the Cr.P.C. for quashing the order dated 03.11.2015 passed by the learned A.C.J.M., III, Nawada (hereinafter referred to as 'Magistrate') in connection with Complaint Case No. C 6176 of 2015, wherein the learned Magistrate took cognizance of the offences punishable under Section 498A of the Indian Penal Code, 1860 and under Section 4 of the Dowry Prohibition Act, 1961 against the present petitioners, who are in-laws of the O.P. No.2 and also against other accused person.

7. The prosecution case, in brief, is that the complainant (O.P. No.2) was married to Md. Jahid (co-accused) on 13.06.2010 according to Muslim rites and customs. It is alleged that at the time of marriage, sufficient cash, articles and other valuables were given by way of dowry. However, soon after the marriage, the husband of the complainant (O.P. No.2) and his family members allegedly started demanding an



additional sum of Rs. 2,00,000/- along with a four-wheeler and, on account of non-fulfilment of the said demand, subjected the complainant (O.P. No.2) to cruelty. It is further alleged that she was turned out of her matrimonial home on different occasions and, despite her returning to the matrimonial home, the alleged acts of cruelty and demand of dowry continued. Ultimately, alleging that she was again driven out from her matrimonial home and was subsequently threatened by the accused persons, the complainant (O.P. No.2) instituted Complaint Case No. C 6176 of 2015 against her husband and the present petitioners, who are the relatives of her husband.

8. Upon perusal of the complaint petition, the solemn affirmation of the complainant (O.P. No.2) and the statements of the inquiry witnesses recorded during the inquiry, the learned Magistrate, being satisfied that a *prima facie* case was made out, *vide* the impugned order dated 03.11.2015 took cognizance of the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against all the accused persons and directed issuance of process. Being aggrieved by the said order taking cognizance and summoning them to face trial, the present petitioners have invoked the inherent jurisdiction of this Court by filing the present



application.

9. Learned counsel for the petitioners submits that the impugned order taking cognizance is wholly unsustainable in law, as the learned Magistrate has mechanically taken cognizance without properly appreciating the allegations made in the complaint petition and the materials collected during the inquiry. It is submitted that the order is bereft of any discussion demonstrating application of judicial mind to the individual role attributed to each of the petitioners. He further submits that the petitioners are merely the relatives of the husband of the O.P. No.2 (complainant), comprising her mother-in-law, brothers-in-law, sister-in-law and other extended family members, who have been implicated solely on account of their relationship with the husband. Learned counsel submits that the allegations levelled in the complaint petition are general, omnibus and sweeping in nature and no specific overt act constituting the ingredients of the alleged offences has been attributed to any of the petitioners. It is argued that even the statements recorded during the inquiry do not disclose any distinct role of the petitioners warranting their prosecution.

10. Learned counsel for the petitioners further submits that the continuation of the criminal proceeding against the



petitioners would amount to an abuse of the process of the Court. It is submitted that the petitioners reside separately and have no concern with the matrimonial affairs of the O.P. No.2 and her husband. It is lastly submitted that where the allegations against the relatives of the husband are vague and omnibus, the criminal proceeding deserves to be quashed at the threshold.

11. Learned APP for the State submits that the allegations made in the complaint petition disclose *prima facie* commission of cognizable offences and the learned Magistrate has rightly taken cognizance.

12. Having heard learned counsel for the petitioner and learned APP for the State, and upon perusal of the materials available on record, this Court proceeds to examine whether the continuance of the criminal proceeding against the petitioner would be in the interest of justice or would amount to abuse of the process of the Court.

13. It is well settled that the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. is of wide amplitude, yet its exercise is circumscribed by well-settled judicial principles. The power is intended to prevent abuse of the process of any Court or otherwise to secure the ends of justice and is not to be exercised as if this Court were sitting in appeal over an order taking cognizance. At the stage of cognizance, the Court is



only required to examine whether the complaint petition and the materials collected during the inquiry disclose the commission of a *prima facie* offence. It is neither permissible to meticulously appreciate the evidence nor to adjudicate upon the probable defence of the accused. Nevertheless, where the allegations, even if accepted at their face value, fail to satisfy the essential ingredients of the alleged offences or where the continuation of the criminal proceeding would amount to an abuse of the process of the Court, the inherent jurisdiction can justifiably be invoked to interdict such prosecution. It is in the light of these settled parameters that the challenge to the impugned order is required to be examined.

14. 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-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.”

15. Upon a careful examination of the complaint petition, it transpires that the gravamen of the allegations pertains to the alleged demand of additional dowry and acts of cruelty said to have been committed after the marriage of the O.P. No.2 (complainant). However, except for making a general assertion that all the accused persons demanded dowry and subjected her to cruelty, the complaint does not attribute any specific role or overt act to the present petitioners. The allegations against them are couched in broad and collective terms without indicating the manner in which each of the petitioners is alleged to have participated in the commission of the alleged offences.

16. The Hon'ble Supreme Court has time and again held that in cases arising out of matrimonial discord, the Courts are required to exercise greater caution and carefully scrutinize the allegations, particularly when criminal proceedings are sought to be initiated against the relatives of the husband, so as



to prevent misuse of the criminal process. The Hon'ble Apex Court in ***Preeti Gupta & Anr. v. State of Jharkhand & Anr.***, reported in (2010) 7 SCC 667 has observed as under:

“32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain



to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. 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. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.”

(emphasis supplied)

17. The Hon'ble Supreme Court in **Geeta Mehrotra & Anr. v. State of U.P. & Anr.**, reported in (2012) 10 SCC 741 has observed as under:

“20. Coming to the facts of this case, when the contents of the FIR are perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names which have been included in the FIR but mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a



tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding.

21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V. Rao v. L.H.V. Prasad [(2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that: (SCC p. 698, para 12)

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their ‘young’ days in chasing their ‘cases’ in different courts.”

The view taken by the Judges in that matter was that the courts would not encourage such disputes.”



18. It further appears from the complaint petition that the present petitioners are the relatives of the husband, comprising the mother-in-law, brothers-in-law, sister-in-law and other extended family members. The complaint narrates that the complainant (O.P. No.2) was allegedly turned out of her matrimonial home on different occasions and subsequently returned to reside there. However, beyond the omnibus allegation that all the accused persons subjected her to cruelty for non-fulfilment of dowry demand, there is no specific assertion as to the date, place or nature of the acts allegedly committed by any of the present petitioners. The statements recorded during the inquiry also substantially reiterate the allegations contained in the complaint without disclosing any distinct role attributable to each of the petitioners.

19. The Hon'ble Supreme Court in ***Kahkashan Kausar @ Sonam and Ors. v. State of Bihar and Ors.*** reported in ***(2022) 6 SCC 599***, has observed as under:

“17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-A I.P.C and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of



general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

20. Recently, the Hon’ble Supreme Court in *Achin Gupta v. State of Haryana and Anr.*, reported in (2025) 3 SCC 756, has reiterated the settled legal position and 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 482CrPC 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)

21. It is thus settled position of law that while considering a prayer for quashing of criminal proceedings at the threshold, the Court is required to examine whether the allegations made in the complaint, together with the materials placed on record in support thereof, disclose the commission of a *prima facie* offence against the accused warranting continuation of the criminal prosecution.

22. Applying the aforesaid principles to the facts of the present case, this Court finds that the allegations levelled against the present petitioners are predominantly general and omnibus in nature, bereft of any specific attribution of overt acts constituting the ingredients of the alleged offences. The complaint petition and the inquiry materials, even if taken at their face value, do not *prima facie* justify the prosecution of the petitioners merely because they are relatives of the husband. In such circumstances, the continuation of the criminal proceeding against the present petitioners would warrant examination in the light of the principles enunciated by the Hon'ble Supreme Court in *State of Haryana & Ors. v. Bhajan Lal & Ors.*, reported in *1992 Supp*



(1) SCC 335 and Pradeep Kumar Kesarwani v. State of Uttar Pradesh, reported in **2025 SCC OnLine SC 1947** particularly the categories wherein the inherent jurisdiction of the High Court may be exercised to prevent abuse of the process of the Court and to secure the ends of justice.

23. In view of the discussions made hereinabove and for the reasons recorded, Criminal Miscellaneous No.11020 of 2018 deserves to succeed and is, accordingly, allowed. The impugned order dated 03.11.2015 passed by the learned A.C.J.M., III, Nawada in Complaint Case No. C 6176 of 2015, whereby cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the present petitioners, is hereby set aside. Consequently, the entire criminal proceeding arising out of Complaint Case No. C 6176 of 2015, so far as it relates to the present petitioners, stands quashed.

24. Let a copy of this order be transmitted to the Court concerned forthwith for needful and compliance.

(Sunil Dutta Mishra, J)

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