

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40624 of 2024

Arising Out of PS. Case No.-202 Year-2018 Thana- MAHILA P.S. District- Patna

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1. Shashikant Singh Son of Ram Suresh Singh, R/o Village - LF/46, Shri Krishnapuri, Boring Road, P.O. - B.C. Road, P.S. - Budda Colony, Distt. - Patna.
 2. Ram Suresh Singh, Son of Late Tulsi Singh, R/o Village - LF/46, Shri Krishnapuri, Boring Road, P.O. - B.C. Road, P.S. - Budda Colony, Distt. - Patna.
 3. Naina Singh, Wife of Ram Suresh Singh, R/o Village - LF/46, Shri Krishnapuri, Boring Road, P.O. - B.C. Road, P.S. - Budda Colony, Distt. - Patna.
 4. Shyamli Kumari, Daughter of Ram Suresh Singh, R/o Village – LF/46, Shri Krishnapuri, Boring Road, P.O. - B.C. Road, P.S. - Budda Colony, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Rekha Singh, Son of Late Ramraksha Singh Village- Road No. 24, Rajeev Nagar, P.O. - Keshari Nagar, P.S. - Rajiv Nagar, Distt. - Patna - 800024.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Sr. Adv. Mr. Siddharth Aditya, Adv.
For the O.P. No. 2	:	Mr. Sunil Kr. Sinha, Adv. Mr. Ranjeet Patel, Adv. Mr. Shivendra Kr. Sinha, Adv.
For the State	:	Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY



ORAL JUDGMENT

Date : 05-02-2026

Heard the learned counsels for the parties.

2. This is an application seeking quashing of the order dated 01.04.2024 passed by the Court of learned Sub-Divisional Judicial Magistrate, Patna, in connection with Mahila P.S. Case No. 202 of 2018 (G.R. No. 8944/2018) registered for the offences under Sections 498(A) and 34 of the Indian Penal Code (*in short the I.P.C.*) and Sections 3 & 4 of the Dowry Prohibition Act, 1961, whereby the discharge petition filed on behalf of the petitioners under Section 239 of the Code of Criminal Procedure, 1973 (*in short the Cr.P.C.*) has been rejected.

3. The prosecution case is to the effect that the informant/opposite party No. 2 has alleged that his daughter was suffering from some disability in her left leg and he had given an advertisement in order to find a suitable groom stating the aforesaid fact and after seeing the same, the petitioner No. 2, namely, Ram Suresh Singh, contacted the informant/opposite party No. 2 for marriage of his son. It is further alleged that a car, in the name of the informant's (O.P. No. 2) daughter, along with other items were given as gifts in the marriage and despite such gifts being given, the daughter of the informant/opposite



party No. 2 was being regularly taunted for certain things and also with regard to her disability. It has lastly been alleged that the daughter of the informant/opposite party No. 2 was ill-treated and was also threatened that divorce shall be given and the petitioners were also demanding Rs. 50,00,000/- from the informant/opposite party No. 2.

4. Mr. Kaushal Kumar Jha, the learned Senior Advocate appearing on behalf of the petitioners has submitted that the allegations against all the petitioners are concocted and no such demand of dowry or torture was ever committed by the petitioners. It has been submitted that, in fact, the petitioners were cheated by the informant/opposite party No. 2 as the disability of his daughter was never disclosed in the advertisement nor they were told about her physical disability. It has further been submitted that the daughter of the informant/opposite party No. 2, who left the house of the petitioners in the year 2016, had gone to her parents' house without giving any reasonable cause for the same. It has next been submitted that after waiting for return of informant's daughter for almost two years, the petitioner No. 1, namely, Shashikant Singh, has preferred a matrimonial case, bearing Matrimonial Case No. 1206 of 2018, seeking dissolution of



marriage and it was only upon filing of such matrimonial case that the informant/opposite party No. 2 has lodged the present F.I.R. on 19.12.2018 against the petitioners on false and fabricated grounds.

5. The learned Senior Advocate appearing for the petitioners has submitted that during the course of trial, the petitioners filed an application for discharge on various grounds, especially the fact that there is no ingredients of the offences under Sections 498(A) and 34 of the I.P.C. against them. It has also been pleaded that no independent witnesses have been examined during the course of investigation in support of the case of the prosecution and, therefore, proceeding ahead on such vague and baseless statements and thus the framing of charge would not be proper. It has further been submitted that without going into the evidence, the Court of learned Sub-Divisional Judicial Magistrate, Patna rejected the discharge petition filed on behalf of the petitioners by the impugned order dated 01.04.2024.

6. It has been submitted on behalf of the petitioners that the petitioner No. 1, namely, Shashikant Singh, is the husband of the daughter of the informant/opposite party No. 2, whereas the petitioner Nos. 2 and 3, namely, Ram Suresh Singh



and Naina Singh, are the father-in-law and mother-in-law of the informant's daughter respectively and they are old aged persons. It has been submitted that the petitioner No. 4, namely, Shyamli Kumari, is the married *Nanad* of the daughter of the informant/opposite party No. 2 and is a teacher at Sant Karen's High School and is living separately along with her husband.

7. The learned Senior Advocate has submitted that from the perusal of the F.I.R., it would be evident that there is general and omnibus allegations leveled against the petitioners with the use of the following words :

“मेरी पुत्री को उपरोक्त व्यक्तियों द्वारा किये जा रहे
प्रताड़ना के कारण मेरी बेटी गम्भीर अवसाद से गुजर रही है।”

8. It has, thus, been submitted that there is general and omnibus nature of allegations against all the petitioners without giving specific details and, therefore, continuation of the case against the petitioners would amount to abuse of the process of law.

9. The learned counsel appearing on behalf of the informant/opposite party No. 2 as also the learned Addl. Public Prosecutor for the State have vehemently opposed the prayer made in the present application and have stated that there is allegations upon all the petitioners of demanding dowry as well



as torture to the daughter of the informant/opposite party No. 2. It has been submitted that there is sufficient material available on record and as such, the learned Court had earlier taken cognizance and the application under Section 239 Cr.P.C. seeking discharge has rightly been dismissed as there is enough material on the record to suggest that the petitioners were involved in the offence as alleged and, therefore, they should faced the trial.

10. After having heard the learned counsels for the parties at length and having perused the specific pleadings including the counter affidavit, it is clear that the marriage of the daughter of the informant/opposite party No. 2 with petitioner No. 1, namely, Shashikant Singh, was solemnized in the year 2016 and within two years of such marriage, the petitioner No. 1 had filed a case for a decree of divorce. From the perusal of the F.I.R., it is very clear that general and omnibus allegations have been leveled against all the petitioners, especially the petitioner Nos. 2, 3 and 4, who happens to be the father-in-law, mother-in-law and the sister-in-law (*Nanad*) of the daughter of the informant/opposite party No. 2.

11. It is a settled principle of law as decided by the Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana***



Vs. State of Bihar, reported in ***(2025) 3 SCC 735***, where, in paragraphs 27, 30 and 31, it has been observed as follows :

“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. We say so for the reason that while the complainant/respondent No.2 has made vague and omnibus allegations against the accused/appellant herein, she has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

30. The inclusion of Section 498A of the 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 498A of the 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 scrutinized, 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 498A of the 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 498A of the 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 498A of the IPC is lodged by the latter. In fact, the insertion of the said 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.”

12. From the aforesaid judgment, it is clear that the



naming of each and every members of the family with general and omnibus allegations has been deprecated by the Hon'ble Supreme Court and, therefore, in view of such settled law, the criminal proceedings initiated against the petitioner Nos. 2, 3 and 4, namely, Ram Suresh Singh (father-in-law), Naina Singh (mother-in-law) and Shyamli Kumari (sister-in-law/*Nanad*) respectively, would amount to abuse of the process of law.

13. Thus, in view of the facts afore-stated, the present application with respect to petitioner Nos. 2, 3 and 4, above-named, stands allowed and the impugned order dated 01.04.2024, referred to above, with respect to them, is set aside. Consequently, the F.I.R. of Mahila P.S. Case No. 202 of 2018 (G.R. No. 8944/2018), dated 19.12.2018, and all consequent proceedings initiated pursuant thereto with respect to petitioner Nos. 2, 3 and 4, above-named, stand quashed.

14. So far as the application with respect to petitioner No. 1, namely, Shashikant Singh, is concerned, since there is specific allegations upon him with regard to demand of car and also receiving certain items of his liking, this Court is not inclined to entertain the same. Accordingly, the application with respect to petitioner No. 1, above-named, stands dismissed.

15. The application stands disposed off accordingly.



16. Interlocutory application(s), if any, also stands
disposed off.

(Sourendra Pandey, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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