

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41165 of 2023

Arising Out of PS. Case No.-89 Year-2021 Thana- MAHILA P.S. District- Rohtas

-
1. Rani Gupta @ Kuwar Rani Gupta Wife Of Late Ashok Kumar Resident Of Village- Khilanganj, Chaukhandi Path, Sasaram , Ps- Sasaram, Distt- Rohtas
 2. Sadhna Devi @ Sadhna Kumari Daughter Of Late Ashok Kumar Resident Of Village- Khilanganj, Chaukhandi Path, Sasaram , Ps- Sasaram, Distt- Rohtas
 3. Amit Kumar Son Of Late Ashok Kumar Resident Of Village- Khilanganj, Chaukhandi Path, Sasaram , Ps- Sasaram, Distt- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari @ Jyoti Kumari Daughter Of Shashi Kant Singh @ Munna Saw Resident Of Village- Sapullahganj, Po- Sasaram , Ward No. 21, Ps - Sasaram Town, Distt- Rohtas At Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Adv.
For the State	:	Mr. Satyendra Narayan Singh, APP
For the O.P. No.2	:	Mr. Rajnikant Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioners, learned APP for the State, and learned counsel for the opposite party No. 2.

2. The present application has been filed for quashing of order dated 10.10.2022 passed by the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Case No. 89 of 2021, whereby and whereunder



cognizance was taken against the petitioners and others under Sections 341, 323, 354, 427, 498A, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and summons were issued thereunder.

3. The case is one under Section 498A of IPC and lodged on the basis of the written report of one Anita Kumari, who is the O.P. No.2, against her husband Ajit Kumar and other family members including the present petitioners with allegations of ill-treatment meted out to her on account of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits, at the outset, that the petitioners in the present application are the mother-in-law, who is a senior citizen, married sister-in-law (*nanad*) and the brother-in-law (*bhaisur*) of the opposite party no.2 and they had never indulged in any act of demand of dowry or torture inflicted upon the opposite party no.2, as alleged. The F.I.R. also indicates that there are general and omnibus allegations leveled by O.P. No.2. It has also been submitted that as a matter of fact, the husband of the O.P. No.2 had filed an information petition before the learned Chief Judicial Magistrate, Rohtas at Sasaram bearing Information Case No. 718 of 2021 against the O.P. No.2 and her family members four



months prior to the present case and it is only thereafter, the present FIR was lodged.

5. It has been specifically stated that petitioner no.1 is the mother-in-law, aged about 62 year old, suffering from severe alignments, while petitioner no. 3 is an employee of Postal Department, who is posted at a relevant time at Bhusawal and Annexure-4 of has been brought on record to substantiate such document. So far as petitioner no. 2 is concerned, she is a married sister-in-law and even she reside separately and as such, these petitioners have no connection with the day-to-day affairs to the opposite party no. 2 and her husband. It has, thus, been submitted that totally on general and omnibus allegations made in the F.I.R. by the O.P. No.2, the cognizance was taken against all the accused persons including the present petitioners by an order dated 10.10.2022. It also does not reflect proper application of judicial mind as the materials appearing against these petitioners have not been pointed out and rather a sweeping statement has been made that *prima facie* offence is found against all the accused persons, mentioned in column 11 of the charge-sheet.

6. Learned counsel for the petitioners has also relied upon the judgment of Hon'ble Supreme Court in the case of



Kahkashan Kausar & Ors. vs. State of Bihar & Ors. reported in (2022) 6 SCC 599, wherein the cases of family members of the husband of the informant stood quashed considering the general and omnibus nature of allegations leveled against them and also considering the fact that in case of matrimonial discord, there has now become a tendency to employ the provisions under Section 498A of the IPC as an instrument to settle personal scores against husband and his relatives.

7. Learned APP for the State and learned counsel for opposite party no.2 strongly opposed the present application for quashing the order taking cognizance against the present petitioners. It has further been submitted that based upon the materials collected during course of investigation, the Investigating Officer has submitted charge-sheet and on the basis of which cognizance order was passed and there is no illegality in the order impugned, as such it warrants no interference. It has further been submitted that allegations made in the F.I.R. cannot be said to be completely general and omnibus as there are certain specific imputations also against the petitioners.

8. I have perused the entire materials on record, including the FIR and it appears from a perusal thereof that the



present petitioners, who are the family members, being mother-in-law, married sister-in-law, and brother-in-law of opposite party no.2 and the allegations against them with regard to demand of dowry and torture are mostly general and omnibus and sweeping in nature. There may be certain imputations but the law laid down by the various judicial pronouncements is clear to the extent that in case of matrimonial discord between husband and wife, there is a tendency to rope in all the members of the family and when such family relationships are sought to be brought within the ambit, the court should be circumspect, judicious in examining the matter whether continuance of such proceedings against family members should be allowed to proceed. It is no doubt true that importance has to be given to domestic violence but all the family members and relatives who are not even residing together with the OP No. 2 and her husband and have no connection with the day-to-day affairs ought not to be keeping of the criminal proceedings in the general and sweeping manner.

9. In the case of **Kahkashan Kausar & Ors.** (**supra**) the Hon'ble Supreme Court considered all the earlier judgments rendered in connection with quashing of prosecution against relatives with generalised allegations with no specific



instances being carved out as against them, starting from the case of **Preeti Gupta & Anr. Vs. the State of Jharkhand & Anr. reported in (2010) 7 SCC 667**, wherein it was observed that it was a matter of common experience that most of the complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations and such complaints are filed with certain oblique motives. With regard to the prosecution faced by the members of the family it has been clearly laid down in the case of **Kahkashan Kausar** (supra) that such persons ought not to go through the rigors of the prosecution and trial as an eventual acquittal also inflicts severe scars upon the accused. Paragraph 21 of the above-mentioned judgment rendered by the Hon'ble Apex Court in **Kahkashan Kausar** (supra) is being quoted hereunder:

“21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the appellant-accused, it would be unjust if the appellants are forced to go through the tribulations of a trial i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged.”



10. This Court would also gainfully refer to the recent case of **Dara Laxmi Narayana Vs. the State of Telangana (2025) 3 SCC 735** wherein the Hon'ble Apex Court has made it clear that family members of the husband of the informant ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. It was further held that in a case where the allegations are totally bereft of specific accusations particularly in the background that the relatives are even staying separately from the informant and her husband, allowing such malicious and motivated prosecution to continue would amount to an abuse of the process of the court. The above-mentioned judgment rendered by the Hon'ble Supreme Court has been noticed and reiterated in the recent case of **Mange Ram Vs State of Madhya Pradesh & Anr. (2025) INSC 962** to hold that continuation of the criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose and in appropriate cases the power to quash such proceedings is essential to uphold fairness and bring about a quietus to personal disputes.

11. Taking into consideration the aforesaid facts and circumstances of the case and also upon hearing the rival



contentions of the parties, coupled with the legal spectrum on the subject concerned, as has been repeatedly reiterated even in the case of **Geddami Jhansi & Anr. Vs. State of Telangana & Anr.** reported in **2025 SCC Online SC 263**, this court is of the considered opinion that continuance of criminal proceedings against the present petitioners would amount to an abuse of process of court and cause grave miscarriage of justice, as such, the impugned order dated 10.10.2022 passed by the learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Case No. 89 of 2021 is hereby quashed with regard to the present petitioners.

12. Accordingly, the present application stands allowed.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

