

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52882 of 2018

Arising Out of PS. Case No.-1020 Year-2013 Thana- GAYA COMPLAINT CASE District-
Gaya

-
1. Rinki Devi Daughter of Mahesh Pd. Gupta Resident of village- Chaundi, Ps- Barh, Dist- Patna
 2. Amita Gupta @ Amita Devi Wife of Mahesh Pd. Gupta Resident of village- Chaundi, Ps- Barh, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Gupta wife of Mukesh Kumar, daughter of Kamta Pd. Gupta, At present resident of Village- Pachhahati, P.S. Bodhgaya, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

12 21-07-2026 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the informant.

2. The instant application has been filed for quashing the impugned order dated 12.06.2014 passed by the learned Sub-Divisional Judicial Magistrate, Gaya, by which cognizance has been taken against the petitioners for the offenses punishable under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

3. As per the allegation, the marriage of co-accused Mukesh Kumar, was solemnized with the complainant in the



year 2010, and after about a month, the accused persons including these petitioners started raising a demand of Rs. 2,00,000/- and ornaments as dowry. It has been alleged that the complainant was subjected to cruelty and torture, for non-fulfillment of the said dowry demand. In the year 2011, she gave birth to a male child, but the accused persons did not come to see her, she came back to Patna on 05.02.2012 but the accused persons snatched her ornaments as well as her child and ousted her, after which, she went to Patliputra Police Station where the matter was pacified. It has further been alleged that on 31.03.2013, all the accused persons came to her parental house and raised demand of Rs. 2,00,000/-, ornaments, failing to meet their demands, the accused persons abused and assaulted her. Lastly, on 02.06.2013, she along with her father and brother went to her matrimonial house, but the accused persons refused to keep her.

4. Learned counsel for the petitioners has submitted that petitioner no. 1 namely, Rinki Devi happens to be the married sister-in-law (Nanad) of the complainant while petitioner no. 2 namely, Amita Gupta is the mother-in-law of the complainant and there is general and omnibus allegation against them. It has further been submitted that petitioner no. 1,



after her marriage, has left her parental house and resides in her matrimonial house and she seldom comes to her parental house except on important functions, while petitioner no. 2 resides separately in mess and residence from the complainant and her husband and has got no concern with their day to day affairs. It has further been submitted that main grievance of the complainant, if any, is against her husband and the petitioners have been roped in this case because they are family members. It has further been submitted that the Hon'ble Supreme Court, in the case of ***Kahkashan Kausar @ Sonam and Ors. v. State of Bihar and Ors.*** reported in ***(2022) 6 SCC 599***, has decided that if there is a general and omnibus allegation against the family members of the husband and the allegation is attended with malice, the prosecution is liable to be quashed. Paragraph No. 17 of the aforesaid judgment reads as under:-

“17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-A IPC 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.”

5. Learned APP for the State as well as learned learned counsel appearing on behalf of the informant have vehemently opposed the prayer of the petitioners. Learned counsel for the informant has submitted that the petitioners, being family members of the husband, actively participated in torture as well as assault for non-fulfillment of the dowry demand. It has further been submitted that *prima facie* materials are available to take cognizance against the petitioners.

6. Heard the parties and perused the records.

7. Considering the entire facts and circumstances as well as materials on record and the settled pronouncement of the Hon'ble Supreme Court in the case of ***Kahkashan Kausar @ Sonam and Ors. v. State of Bihar and Ors.*** reported in (2022) 6 SCC 599, the present complaint as against the petitioners is liable to be quashed.

8. Accordingly, the order taking cognizance dated



12.06.214 passed by the learned Sub-Divisional Judicial Magistrate, Gaya, is hereby quashed with respect to the present petitioners.

9. Application stands allowed.

(Praveen Kumar, J)

Ankit Kumar/-

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

