

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26630 of 2018

Arising Out of PS. Case No.-1996 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Kunti Devi, W/o Sri Yadolal Sah Keshari,
 2. Yadolal Sah Keshari @ Yadav lal Sah, S/o Late Raghunath Sah,
 3. Shyamsundar Keshari, S/o Sri Yadolal Sah Keshari,
 4. Brijkishore Keshari @ Nanhaki Keshari, S/o Sri Yadolal Sah Keshari,
 5. Prem Chandra Keshari, W/o Late Raghunath Sah,
 6. Hiralal Keshari, S/o Late Raghunath Sah, All Residents of Vill.- Bhaisalotan
Pipra Kothi, P.S.- Balmikinagar, District- West Champaran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Bindu Devi, W/o Munna Prasad Keshari D/o Harendra Prasad Keshari, R/o
Chanpatia Bin Tola, Dhath Chowk, Ward No. 3, P.S.- Chanpatia, District-
West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Vinod Shankar Modi, APP
For the O.P. No. 2	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 21-04-2026 1. Heard learned counsel for the parties as well as
learned APP for the State.

2. This application has been filed for quashing of the
order dated 30.05.2017 (hereinafter referred to as 'Impugned
Order') passed by the learned Sub-Divisional Judicial
Magistrate, Bettiah, West Champaran (hereinafter referred to as
'Trial Court') in Complaint Case No. 1996-C of 2016 (Trial No.
1208 of 2017), whereby cognizance has been taken and



summons have been issued against the accused persons including the present petitioners to face trial for the offences punishable under Section 498-A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961.

3. The prosecution case, in brief, is that the complainant (O.P. No.2) was married to Munna Prasad Keshari on 06.05.2013 in accordance with Hindu rites and customs, and sufficient cash, gold ornaments and other articles as gifts were given by her father as per his capacity. O.P. No.2 alleged that after a month of marriage, her husband was appointed on the post of government teacher, thereafter, the accused persons, including the husband and his family members (petitioners herein), started subjecting the O.P. No.2 to cruelty in connection with demand of a Bullet motorcycle and a sum of Rs. 2,00,000/-. Upon her failure to fulfill the said demand due to the financial incapacity of her parental family, she was allegedly subjected to physical and mental torture and was threatened that her husband would contract a second marriage. O.P. No.2 has further alleged that when her father and brother intervened, she was driven out of her matrimonial home. Subsequently, her father arranged Rs. 50,000/- and paid the same to the accused persons, whereafter she was taken back, but the alleged acts of



cruelty continued. It is further alleged that she suffered miscarriage, due to the assault of accused person including petitioners and ultimately was ousted from matrimonial home after snatching her stridhan. It is further the case of the prosecution that on 11.11.2016, the accused persons came to her parental house and attempted to coerce her into signing blank papers with the intention of facilitating her husband's second marriage. On the basis of these allegations, O.P. No.2 has lodged a complaint before the learned Chief Judicial Magistrate, Bettiah, which was transferred to the file of the learned Trial Court.

4. Upon perusal of the complaint petition, statement of the O.P. No.2 on solemn affirmation and the statements of three enquiry witnesses examined in support of the complaint, the learned Trial Court found *prima facie* case and accordingly took cognizance of the offences under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against the accused persons including the petitioners herein and issued summons to face trial vide the impugned order dated 30.05.2017. Aggrieved thereby, the petitioners have preferred the present Criminal Miscellaneous Application for quashing of the same.



5. Petitioner No.1 is the mother in law, petitioner No.2 in father in law, petitioner No.3 is the Bhaisur (elder brother in-Law), petitioner No. 4 is brother in law and petitioner No. 5 and 6 are uncle in Law of the O.P. No.2.

6. Learned counsel appearing on behalf of the petitioners submits that the impugned order is wholly illegal, arbitrary and amounts to abuse of the process of the Court. Learned counsel further submits that the petitioner No.1 and petitioner No.2 are the mother-in-law and father-in-law of O.P. No.2 respectively and other petitioners are also relatives of the husband of O.P. No.2. They have been falsely implicated in the present case only on the basis of general, vague and omnibus allegations without there being any specific overt act attributed to them. He further submitted that even from a bare perusal of the complaint petition as well as the statements recorded during enquiry, the specific allegations of demand of dowry and cruelty are primarily against the husband, and the entire family has been roped in with an oblique motive.

7. Learned counsel of Petitioners further submits that the dispute arises out of normal matrimonial discord between the O.P. No.2 and her husband, has been given a criminal colour, and continuation of the criminal proceeding against the



petitioners would be nothing but misuse of the process of law. Learned counsel further submits that the provisions of Section 498-A Indian Penal Code are often misused to harass the relatives of the husband, and in the absence of any specific allegation, the petitioners ought not to be compelled to face the rigours of criminal trial. It is thus submitted that the impugned order taking cognizance as well as the entire criminal proceeding, so far as it relates to the petitioners, be quashed in exercise of inherent jurisdiction of this Hon'ble Court under Section 482 of the Code of Criminal Procedure.

8. Learned counsel appearing on behalf of O.P. No.2 submits that the impugned order has been passed after due application of judicial mind and upon consideration of the materials available on record. Learned counsel further submits that the complaint petition, the statement of the O.P. No.2 on solemn affirmation, as well as the statements of the enquiry witnesses, clearly disclose a *prima facie* case against all the accused persons including the petitioners herein.

9. Learned counsel of O.P. No.2 further submits that the allegations made in the complaint petition specifically disclose that O.P. No.2 was subjected to continuous physical and mental cruelty in connection with demand of dowry, and all the



accused persons, being members of the matrimonial family, actively participated in such acts. The nature of allegations, including assault, ouster from matrimonial home, misappropriation of stridhan and coercion, cannot be said to be vague or omnibus at this stage, and the same require proper appreciation during trial. It is thus submitted that the present application does not warrant any interference by this Hon'ble Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure and is liable to be dismissed.

10. Learned APP for the State conceded that petitioners are in-laws of O.P. No.2 and the complaint petition has been filed in the year 2016 by O.P. No.2 due to allegation of dowry torture by her husband and in-laws. He submits to pass appropriate order in facts and Circumstances of the case in the ends of justice.

11. Having heard the learned counsel for the parties as well as the learned A.P.P. for the State and upon perusal of the materials available on record, it appears that the present case arises out of Complaint Case No. 1996-C of 2016 instituted by O.P No.2 alleging demand of dowry and subjecting her to cruelty by her husband and his family members (petitioners herein). The allegations, as made in the complaint petition,



relate to demand of a Bullet motorcycle and a sum of Rs. 2,00,000/-, physical and mental harassment, assault leading to miscarriage, and subsequent ouster of the complainant from her matrimonial home. The issue which arises for consideration in the present case is as to “*whether the impugned order of taking cognizance warrants interference by this Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure*”.

12. The Hon’ble Supreme Court, in ***Abhishek v. State of Madhya Pradesh***, reported in **(2023) 16 SCC 666**, has elaborately considered the issue relating to quashing of criminal proceedings in matrimonial offences insofar as they pertain to the relatives of the husband, and has held 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 [Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599 : (2022) 2 SCC (Cri) 684] , 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-AIPC. 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-AIPC 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.”

13. In the present case, this court finds that the allegations relate to demand of dowry and consequent cruelty. The allegations, insofar as the present petitioners are concerned, who are the relatives of the husband of O.P. No.2, are general and omnibus in nature and lack specific particulars as to the role played by each of them in the alleged occurrence. It further transpires that the present petitioners have been implicated in a sweeping manner without any distinct or specific overt act



attributed to them.

14. Upon a careful reading of the complaint petition and the statements recorded during enquiry does not disclose any specific instance or particular act of cruelty or harassment committed by these petitioners so as to *prima facie* attract the ingredients of the offence under Section 498-A of the Indian Penal Code. The allegations appear to be generalized in nature without indicating the individual role and involvement of each of the petitioners.

15. The settled legal position, as consistently laid down by the Hon'ble Supreme Court, is that in such cases, the relatives should not be mechanically roped in on the basis of vague and omnibus allegations. The Court has repeatedly cautioned that criminal proceedings should not be permitted to continue in the absence of specific allegations demonstrating active participation of the accused persons, particularly when such implication appears to be on account of their relationship with the principal accused, as the same would amount to misuse of the process of law.

16. It is well settled that, while adjudicating a prayer for quashing of a criminal proceeding at the threshold, the Court must confine itself to an examination of whether the allegations



made in the complaint, when taken at their face value and read in conjunction with the materials on record, *prima facie* disclose the commission of any offence so as to justify continuation of the proceedings against the accused. This settled position of law has been consistently affirmed by the Hon'ble Apex Court in a catena of decisions, including *State of Haryana & Ors. v. Bhajan Lal & Ors.*, reported in *1992 Supp (1) SCC 335*, and *Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Anr.*, reported in *2025 SCC OnLine SC 1947*.

17. In view of the discussing made hereinabove and considering the facts and circumstances of the case, this Court is of the considered view that continuation of the criminal proceeding against the present petitioners would be an abuse of the process of the Court and would not serve the ends of justice, particularly when the materials on records do not disclose the essential ingredients of the alleged offences so far as regards to petitioners herein.

18. Accordingly, the impugned order dated 30.05.2017, passed in Complaint Case No. 1996-C of 2016 by learned Trial Court so far as it relates to the petitioners herein, is hereby quashed.

19. Resultantly, the entire criminal proceeding arising



thereform *qua* the petitioners herein stands set aside.

20. The present Criminal Miscellaneous Application
is, accordingly, allowed.

21. The Interim Order, if any, is vacated.

22. Let a copy of this Order be communicated to the
concerned Court forthwith.

(Sunil Dutta Mishra, J)

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