

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26751 of 2018

Arising Out of PS. Case No.-86 Year-2016 Thana- MARANCHI District- Patna

Dairani Devi @ Jaimanti Devi, W/o Late Kedar Singh, R/o Vill.- Sherpur,
P.S.- Maranchi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muto Devi, W/o Ajay Singh, D/o Upendra Singh, Presently residing at Mohalla Tola, Mokama, P.S. Mokama, Distt. Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40860 of 2018

Arising Out of PS. Case No.-86 Year-2016 Thana- MARANCHI District- Patna

1. Sanjay Singh, son of Late Tiro Singh, resident of Village and P.O. and P.S. Maranchi, District Patna.
2. Sharmila Devi, wife of Sanjay Singh, resident of village Maranchi, P.S. Maranchi, District Patna.
3. Arvind Singh, son of Krit Singh, resident of village and P.S. Maranchi, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muto Devi, W/o Ajay Singh, D/o Upendra Singh, Presently residing at Mohalla Tola, Mokama, P.S. Mokama, Distt. Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26751 of 2018)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari, APP

Mr. Ghanshyam Tiwary, Advocate

(In CRIMINAL MISCELLANEOUS No. 40860 of 2018)

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

Mr. Ghanshyam Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

9 01-07-2026 1. Heard learned counsel for the parties and learned
APP for the State.

2. These two Criminal Miscellaneous Applications,
being Cr. Misc. No. 26751 of 2018 and Cr. Misc. No. 40860 of
2018, have been taken up together and are being disposed of by



this common order as both arise out of the same order dated 06.04.2018 (hereinafter referred to as 'impugned order') passed by the learned Sub-Judge-IV-cum-A.C.J.M., Barh (hereinafter referred to as 'Trial Court') in connection with Maranchi P.S. Case No. 86 of 2016 and involve identical questions of fact and law.

3. The present applications have been filed under Section 482 of the Code of Criminal Procedure seeking quashing of the impugned order dated 06.04.2018, whereby charges under Sections 498A and 379 read with Section 34 of the Indian Penal Code, 1860 have been framed against the petitioners herein and the husband of O.P. No.2.

4. The prosecution case, in brief, is that O.P. No.2 was married to Ajay Singh in the year 1999 according to Hindu rites and customs. It is alleged that after the marriage she was subjected to cruelty and harassment for jewellery and cash by her husband and other members of the matrimonial family including petitioners herein and they ousted her on 04.06.2006 from her matrimonial home for which O.P. No.2 had lodged complaint case bearing Complaint Case No. C/205/2006 which is pending. It is further alleged that on 05.12.2016, upon returning to her matrimonial home, she found the lock of her



room and the trunk kept therein broken and certain articles, including ornaments and cash, missing, whereupon suspicion was expressed against the accused persons. On the basis of above allegations, O.P. No.2 submitted a written report before the Station House Officer, Maranchi Police Station, which was registered as F.I.R. bearing Maranchi P.S. Case No.86 of 2016 under sections 498A, 341, 323, 379, 504 and 506 of Indian Penal Code.

5. Upon completion of investigation, I.O submitted the charge-sheet only against the husband of O.P. No.2 under section 498A of the Indian Penal Code. However, on perusal of paragraphs 5, 6, 7 and 8 of case diary, the learned Trial Court found sufficient material and took cognizance of offences punishable under Sections 498A and 379 of Indian Penal Code against the husband of O.P. No.2 and the petitioners herein. Subsequently, the learned Trial Court framed charges under Sections 498A and 379 read with Section 34 of the Indian Penal Code against the present petitioners and husband of O.P. No.2 *vide* the impugned order. Aggrieved thereby, the petitioners have preferred the present Criminal Miscellaneous Applications invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure for setting aside the



impugned order passed by the learned Trial Court.

6. Learned counsel for the petitioners submits that the impugned order suffers from serious legal infirmities and has been passed without proper appreciation of the materials available on record. Learned counsel further submits that the allegations levelled against the petitioners are wholly omnibus, vague and general in nature and no specific overt act has been attributed to any of them except bald and sweeping allegations. Learned counsel further submits that in Criminal Miscellaneous No.26751 of 2018, the petitioner is Dayarani Devi @ Jaimanti Devi, the mother-in-law of O.P. No.2 (according to the prosecution version) and in Criminal Miscellaneous No.40860 of 2018, petitioner no.1 is Sanjay Singh, who is *Nandoi* (husband of the sister-in-law (*Nanad*) of O.P. No.2), petitioner no.2 is Sharmila Devi, who is the sister-in-law (*Nanad*) and petitioner no.3 is Arbind Singh who is the cousin brother of the husband of O.P. No.2 (according to the prosecution version).

7. Learned counsel further submits that O.P. No.2 had earlier instituted a complaint case bearing Complaint Case No.C/205 of 2006 against 9 persons, including the present petitioners except Arvind Singh (petitioner no.3 in Criminal Miscellaneous No.40860 of 2018), under Sections 498A, 323 and 406 of Indian Penal Code and Sections 3 and 4 of Dowry



Prohibition Act, which was under trial, and ultimately culminated in acquittal of the accused persons on 25.06.2016. The findings recorded therein indicate that the prosecution version was not found worthy of acceptance and serious doubts had arisen regarding solemnization of marriage of O.P. No.2 with co-accused Ajay Singh. The learned Court had also given finding that there was 7 long years of delay in filing of the complaint case, the allegation is without any evidence in support and the prosecution could not prove its case, accordingly the accused persons were acquitted. Thereafter, on 06.12.2016 i.e. after about 6 month, O.P No.2, on the basis of alleged dowry-torture, has lodged the present F.I.R. He further submits that I.O did not find sufficient material against the present petitioners in the charge-sheet, showing the allegation untrue against them, however the learned Trial Court proceeded to take cognizance and subsequently framed charges without there being any material giving rise to a grave suspicion against the petitioners herein. It is further submitted that the appeal against the Judgment of acquittal dated 25.06.2016 filed by O.P. No.2 *vide* Criminal Appeal No. 111 of 2016 was dismissed *vide* Judgment dated 08.04.2021 by learned Additional Sessions Judge-3rd, Barh, Patna. It is thus submitted that continuation of the



criminal proceeding would amount to an abuse of the process of the Court and the impugned order is fit to be quashed in exercise of the inherent jurisdiction of this Court.

8. Learned counsel for O.P. No.2 opposes the applications and submits that the learned Trial Court has rightly framed charges upon consideration of the materials collected during investigation. Learned counsel further submits that the F.I.R. and the statements recorded during investigation disclose specific allegations regarding cruelty, harassment and the occurrence relating to theft of articles from the matrimonial home, which *prima facie* make out the offences alleged against the petitioners herein. Learned counsel submits that at this stage, the Court is only required to ascertain whether a *prima facie* case or grave suspicion exists against the accused and a meticulous examination of the evidence is impermissible. However, he fairly conceded that in the earlier complaint petition with respect to dowry-torture, the accused persons were acquitted on 25.06.2016 and F.I.R. was lodged thereafter, when her room was broken and valuable material therein were missing and there was suspicion that the said occurrence was committed by the accused persons.

9. Learned APP for the State fairly submits that



petitioners herein are in-laws of O.P. No.2 and this Court may pass appropriate order in the interest of justice.

10. Having heard learned counsel for the parties and learned APP for the State and upon perusal of the materials available on record including the case diary, it appears that the present prosecution arises out of Maranchi P.S. Case No. 86 of 2016 instituted on the basis of a written report submitted by O.P. No.2. It is alleged that the O.P. No.2 whose marriage with co-accused Ajay Singh was solemnized in 1999, was subjected to cruelty and harassment at her matrimonial home, for which a complaint case was lodged against the accused persons in 2006, in which after trial they had been acquitted. It is further alleged that on 05.12.2016, upon returning to the house, O.P. No.2 found the lock of her room and trunk to be broken and certain ornaments, cash and household articles missing therefrom, leading her to suspect the involvement of the accused persons including the present petitioners in the occurrence. During investigation, the allegations against the petitioners herein were found untrue and only against the husband of O.P. No.2 the charge-sheet was submitted under Section 498A of Indian Penal Code. It further transpires from the record that the learned Trial Court took cognizance on perusal of certain paragraphs of the



case diary and subsequently framed charges against the present petitioners. In the aforesaid facts and circumstances, this Court proceeds to examine whether the continuance of the criminal proceeding against the petitioners would be in the interest of justice or would amount to abuse of the process of the Court.

11. At the outset, it is necessary to delineate the scope of inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure. It is a settled position of law that such power is to be invoked with great caution and only in circumstances where intervention is necessary to prevent misuse of the judicial process or to advance the cause of justice. At this stage, the Court is required to assess whether the allegations made in the complaint, if accepted in their entirety, disclose the commission of any offence, without undertaking a detailed evaluation of the evidentiary materials.

12. 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 Code of Criminal Procedure. 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-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.

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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.”

13. The Hon’ble Supreme Court in ***Karnataka Emta Coal Mines Limited and Anr. v. Central Bureau of Investigation*** reported in ***2024 SCC OnLine SC 2250*** has discussed scope of the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure at the stage of framing of charges and held as under:

“18.8. While exercising the powers vested in the High Court under Section 482 Cr. P.C., whether at the stage of issuing process or at the stage of committal or even at the stage of framing of charges, which are all stages that



are prior to commencement of the actual trial, the test to be applied is that the Court must be fully satisfied that the material produced by the accused would lead to a conclusion that their defence is based on sound, reasonable and indubitable facts. The material relied on by the accused should also be such that would persuade a reasonable person to dismiss the accusations levelled against them as false.”

14. In the present case, the allegations against the petitioners herein, are primarily omnibus and general in nature. A careful perusal of the F.I.R. reveals that no specific overt act has been attributed to any of the petitioners so as to disclose their individual involvement in the alleged commission of the offences. The allegations of cruelty are vague and lacking in particulars, while the allegation relating to theft is founded merely on the suspicion of O.P No.2. Admittedly, in earlier complaint with respect to dowry torture lodged in the year 2006 by O.P. No.2, the accused persons were acquitted after trial. Subsequently, an F.I.R. in 2016 with respect to dowry torture on the same allegation is an abuse of process of law.

15. This Court is also mindful of the settled principle that although the jurisdiction under Section 482 of the Code is to be exercised sparingly, the same is not barred merely because the matter is at the stage of framing of charge. Where the materials on record, even if taken at their face value, fail to



disclose the essential ingredients of the alleged offences or where continuation of the criminal proceeding would amount to abuse of the process of the Court, the inherent jurisdiction can be invoked to secure the ends of justice. The stage of framing of charge does not denude the High Court of its power to examine whether the prosecution, as against a particular accused, is legally sustainable.

16. Now, the law with respect to quashing of criminal proceeding is now well settled that while considering a prayer to quash the criminal complaint and the consequential proceedings at the threshold, the Court is required to examine whether the allegations made in the complaint along with materials in support thereof make out a *prima facie* case to proceed against the accused or not. The reference to the same has been made by the Hon'ble Apex Court in various judgments including ***State of Haryana and Ors. v. Bhajan Lal and 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 the considered opinion of this Court, the facts of the present case are squarely covered by the principles enunciated in ***Bhajan Lal (supra)***. The allegations levelled against the petitioners, even if taken to be true in their entirety,



fail to constitute a *prima facie* case for the offences alleged. In the absence of specific allegations against the petitioners and acquittal of accused persons including the petitioners by the competent Court on the same allegation of dowry torture in previous complaint filed by O.P. No.2, continuation of the criminal proceeding would amount to abuse of the process of the Court.

18. Accordingly, the impugned order dated 06.04.2018 passed by the learned Sub Judge-IV-cum-A.C.J.M., Barh, arising out of Maranchi P.S. Case No. 86 of 2016, so far as it relates to the present petitioners, is hereby set aside and the entire criminal proceeding arising therefrom *qua* the petitioners is quashed.

19. The present Criminal Miscellaneous Applications are, accordingly, allowed.

20. Interim order(s), if any, stands vacated.

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

(Sunil Dutta Mishra, J)

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