

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53445 of 2018

Arising Out of PS. Case No.-2526 Year-2015 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

-
1. Gorakh Kumar Mahto @ Gorakh Mahto, Son of Muneshwar Mahto,
 2. Muneshwar Mahto, Son of Rajdeo Mahto,
 3. Sant Devi @ Ramjhari Devi, Wife of Muneshwar Mahto,
 4. Rohit Mahto @ Rohit Kumar, Son of Muneshwar Mahto,
 5. Naval Kumar Mahto @ Naval Mahto @ Nawal Kumar, Son of Munesh Mato,
 6. Suman Devi, Wife of Naval Mahto, All R/o Village- Kalyanpur P.O.- Baijalpur, P.S.- Sonapur, Distt- Saran.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ruby Kumari @ Rubi Devi, D/o Radhakant Prasad, R/o Village- Chakbasu Kachisarai, P.S.- Mithanpura, Distt- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Sr. Advocate Mr. Akshat Arghya, Advocate Mr. Manish Kumar Paswan, Advocate
For O.P. No.2	:	Mr. Anand Kishore Chaudhary, Advocate Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Chandrasen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 12-05-2026 1. Heard learned counsel for the parties as well as learned A.P.P. for the State.

2. The present application has been preferred for quashing of the order dated 23.01.2016 (hereinafter referred to as 'Impugned order') passed by the learned S.D.J.M., East Muzaffarpur (hereinafter referred to as 'Trial Court') in connection with Tr. No. 2436 of 2016 arising out of Complaint



Case No. 2526 of 2015, whereby cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 against the petitioners.

3. *Vide* order dated 27.09.2018, the present application, so far as petitioner no. 1, namely the husband of the complainant, is concerned, stood dismissed as withdrawn with liberty to raise all the issues available to him before the learned Trial Court at the time of framing of charge. Thus, the present application survives only on behalf of petitioner nos. 2 to 6.

4. The prosecution story, in brief, is that the marriage of the complainant (O.P. No.2) was solemnized with Gorakh Mahto on 22.05.2013 according to Hindu rites and customs and sufficient gifts and articles were given by the family members of O.P. No.2 at the time of marriage. It is alleged that after the marriage, when O.P. No.2 went to her matrimonial home, all the accused persons including petitioners herein started demanding 10 kathas of land and Rs.5,00,000/- as additional dowry and, upon non-fulfilment of the said demand, she was subjected to cruelty and harassment. On the basis of the said allegations, O.P. No.2 has lodged a complainant case bearing Complaint Case No. 2526 of 2015 before C.J.M, Muzaffarpur, which got



transferred for disposal for Learned Trial Court.

5. Upon perusal of the materials available on record, including the complaint petition, solemn affirmation of the complainant (O.P. No.2) and the statement of witness recorded during inquiry, the learned Trial Court, *vide* Impugned order, took cognizance of the offences under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act against all the accused persons including the present petitioners. Aggrieved thereby, the petitioners have preferred the present Criminal Miscellaneous Application seeking quashing of the impugned order as well as the entire criminal proceeding arising therefrom.

6. Learned counsel for the petitioner nos. 2 to 6 submits that the present prosecution has been instituted due to matrimonial discord between the complainant and her husband and, in course thereof, all the family members of the matrimonial home have falsely been implicated. Learned Counsel further submits that the allegations made in the complaint petition against these petitioners are wholly vague, bald and omnibus in nature and no specific overt act has been attributed against any of them. Except making general allegation regarding demand of dowry and torture, the complaint petition



does not disclose the manner of occurrence nor any specific role played individually by these petitioners.

7. Learned counsel of petitioners further submits that the petitioners are living separately and have no direct concern with the matrimonial life of the O.P. No.2 and her husband. Petitioner nos. 2 and 3 are the father-in-law and mother-in-law, respectively, petitioner nos. 4 and 5 are brothers-in-law and petitioner no. 6 is the sister-in-law of the O.P. No.2. Learned counsel submits that the petitioners have been implicated only because they are relatives of the husband and continuation of the criminal proceeding against them would amount to abuse of the process of the Court.

8. Learned counsel appearing on behalf of O.P. No.2 opposes the prayer for quashing the cognizance order and submits that the impugned order of cognizance has been passed after due consideration of the materials available on record and the complaint petition discloses prima facie commission of offences under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the petitioners.

9. Learned counsel of O.P. No.2 submits that there are specific allegations in the complaint petition regarding demand



of dowry and torture meted out to the complainant in her matrimonial home and the truthfulness or otherwise of such allegations cannot be examined in exercise of inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Learned counsel further submits that disputed questions of fact are involved in the present case, which can only be adjudicated upon during trial after the parties adduce evidence before the learned court below. It is thus submitted that no case for interference is made out and the present application is fit to be dismissed.

10. Learned APP for the State submits that petitioners herein are in-laws of O.P. No.2 and at this stage, meticulous examination of evidence is not permissible and this court may pass appropriate order in the interest of justice.

11. Having heard 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 marriage of the O.P. No.2 was solemnized with Gorakh Mahto on 22.05.2013 according to Hindu rites and customs and sufficient gifts were given at the time of marriage. It has been alleged that after the marriage, when the O.P. No.2 went to her matrimonial home, all the accused persons including petitioner herein started



demanding 10 kathas of land and Rs.5,00,000/- as additional dowry and, upon non-fulfilment of the said demand, subjected her to cruelty and harassment. Learned Trial Court on finding *prima facie* case, accordingly took cognizance *vide* impugned order.

12. At this juncture, it would be apposite to reproduce the relevant paragraphs from the judgment of the Hon'ble Supreme Court in *Abhishek v. State of Madhya Pradesh*, reported in (2023) 16 SCC 666, explaining the scope and contours of the power of quashing criminal proceedings under Section 482 of the Cr.P.C. in matrimonial offenses. 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.

xxxx xxxx xxxx

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. In the present case, this Court finds that the allegations made against petitioner nos. 2 to 6 are general, vague and omnibus in nature. Though allegations regarding demand of dowry and cruelty have been levelled, no specific overt act has been attributed individually to any of these petitioners. The complaint petition does not disclose the particular manner of involvement of these petitioners nor does it specify any distinct role played by them in the alleged occurrence.

14. It is well settled that in matrimonial disputes, relatives of the husband cannot be subjected to criminal prosecution merely on the basis of sweeping and omnibus allegations without there being any specific material disclosing their active involvement in the alleged occurrence. It is further well settled that the tendency to implicate all family members of the husband in matrimonial litigations, in absence of specific allegations, has repeatedly been deprecated by the Hon'ble Supreme Court. It is also well settled, in view of the law laid down by Apex Court in ***State of Haryana and Ors. v. Bhajan Lal and Ors.***, reported in ***1992 Supp (1) SCC 335*** that where



the criminal proceeding is manifestly attended with *mala fide* and the allegations made do not disclose commission of any offence against the accused persons, the same is fit to be quashed in exercise of inherent jurisdiction. In the facts of the present case, this Court finds that continuation of the criminal proceeding against petitioner nos. 2 to 6 would amount to abuse of the process of the Court.

15. Accordingly, the impugned order dated 23.01.2016 passed by the learned Trial Court in connection with Tr. No. 2436 of 2016 arising out of Complaint Case No. 2526 of 2015, *qua* **petitioners nos. 2 to 6**, is hereby **quashed**. Resultantly, the entire criminal proceeding arising out of the aforesaid case, against these petitioners, stands set aside.

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

17. Interim Order, if any, is vacated.

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

(Sunil Dutta Mishra, J)

utkarsh/-

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

