IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45254 of 2018

CNR No. BRHC010648752018

Arising Out of PS. Case No.-197 Year-2017 Thana- BIKRAM District- Patna

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1. Vidya Singh @ Vidya Nand Sharma, Son of Late Satya Narayan Sharma
2. Lila Devi @ Lilawati Sharma, Wife of Shri Vidya Singh @ Vidya Nand Sharma
3. Kundan Kumar, Son of Shri Vidya Singh @ Vidya Nand Sharma
4. Veena Kumari
5. Munmun Kumari, Both Daughters of Shri Vidya Singh @ Vidya Nand Sharma All R/o Village - Arap, P.S. - Bikram, Dist - Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari, D/o- Sanjay Sharma, R/o village- Jahara, Bhagwanpur, P.O- Tishkora, P.S- Naubatpur, District-Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Indra Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
C.A.V. JUDGMENT

Date : 04-11-2026

1. Heard learned counsel for the petitioners as well as learned A.P.P. for the State.

2. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as ‘Cr.P.C.’) against the order dated 11.12.2017 passed by the Court of learned Additional Chief Judicial Magistrate-IV, Danapur (hereinafter referred to as ‘Magistrate’) in connection with Bikram P.S. Case No.197 of 2017, wherein learned Magistrate took

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cognizance for the offences punishable under Section 498A of the Indian Penal Code, 1860 (in short 'IPC') and Sections 3 & 4 of the Dowry Prohibition Act, 1961 against the accused persons (petitioners herein) who are in-laws of the O.P. No.2.

3. The prosecution case, as disclosed in the written complaint, is that the informant, Anjali Kumari (O.P. No.2), submitted a written report alleging, *inter alia*, that her marriage was solemnized with Chandan Kumar in the year 2016. It is alleged that after her marriage, her father-in-law (petitioner no.1), mother-in-law (petitioner no.2), brother-in-law (petitioner no.3) and sisters-in-law (petitioner nos.4 & 5) started subjecting her to physical and mental cruelty and abuse. It is further alleged that the accused persons used to demand Rs.2,00,000/- in cash, a colour television, motorcycle, refrigerator and ornaments as dowry and, upon non-fulfillment of the aforesaid demands, they subjected her to assault and torture. The informant (O.P. No.2) further alleged that the accused persons had sent her husband somewhere and, during his absence, they used to assault her after tying her hands. On the basis of the aforesaid written report, Bikram P.S. Case No.197 of 2017 was instituted under Section 498A of the IPC and Sections 3 & 4 of the Dowry Prohibition Act. Upon completion of investigation, the investigating officer submitted charge-sheet

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dated 30.09.2017 bearing C.S. No.150 of 2017 against the petitioners for the aforesaid offences.

4. Upon perusal of the materials available on record, the learned Magistrate, *vide* order dated 11.12.2017, took cognizance of the offences punishable under Section 498A of the IPC and Sections 3 & 4 of the Dowry Prohibition Act, against the present petitioners who are in-laws of the O.P. No.2. Being aggrieved by the aforesaid order of cognizance dated 11.12.2017 passed by the learned Magistrate, the present petitioners have preferred the present Criminal Miscellaneous application.

5. Learned counsel appearing on behalf of the petitioners submitted that the impugned order is wholly unsustainable in the facts and circumstances of the present case, inasmuch as the allegations levelled in the F.I.R. are general, omnibus and bereft of specific particulars regarding the individual role of the petitioners. It is submitted that although the informant (O.P. No.2) has alleged demand of dowry and physical and mental torture, no specific overt act or particular instance of cruelty attributable to any of the petitioners has been disclosed. It is further submitted that the petitioners have no criminal antecedent and have been falsely implicated in the present case with an ulterior motive to harass and pressurize them.

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6. Learned counsel further submits that, in fact, the alleged marriage itself is disputed, as the son of petitioner nos.1 & 2, namely, Chandan Kumar, was aged about 16 years at the relevant point of time and, according to the petitioners, had been taken to a temple by certain persons, where he was compelled to put *sindur* on the forehead of the informant (O.P. No.2) without his consent. It is pointed out that a matrimonial case bearing Matrimonial Case No.213 of 2017 had already been instituted through his father as natural guardian before the learned Principal Judge, Family Court, Patna, seeking a declaration regarding the nullity of the alleged marriage. It is submitted that the present criminal case was instituted subsequent thereto, with a view to exert pressure upon the petitioners to accept the alleged marriage. It is also submitted that O.P. No.2 has already got married to someone else. In such circumstances, continuation of the criminal proceedings against the petitioners would amount to an abuse of the process of the Court, particularly when the allegations, even if taken at their face value, do not disclose the commission of the alleged offences by the petitioners. In support of his contention, learned counsel referred and relied upon the judgment of Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana & Others v. State of Telangana & Another***, reported in ***(2025) 3 SCC 735.***

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Accordingly, learned counsel prayed for quashing of the impugned order of cognizance and the consequential criminal proceedings.

7. Learned A.P.P. appearing on behalf of the State submitted that the learned Magistrate has rightly taken cognizance based on the materials available on record. He submitted thereupon, at the stage of cognizance, meticulous appreciation of evidence is not required and, in view thereof, appropriate order may be passed by this Court to secure the ends of justice.

8. Despite valid service of notice upon the O.P. No.2, none has entered appearance on her behalf nor has any submission been advanced on her behalf.

9. Before adverting to the rival submissions advanced on behalf of the parties and examining the materials available on record, it would be apposite to briefly advert to the scope and ambit of the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. The inherent powers are intended to be exercised to give effect to any order under the Cr.P.C., to prevent abuse of the process of any Court or otherwise to secure the ends of justice. However, such power is extraordinary in nature and is required to be exercised sparingly, with circumspection and only in appropriate cases. While exercising jurisdiction under Section 482 Cr.P.C., this Court is not expected to embark upon an enquiry into

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the truthfulness or otherwise of the allegations or undertake a meticulous examination of the evidence. At the same time, where the allegations made in the F.I.R. or the materials collected during investigation, even if taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence, or where the continuation of criminal proceedings would amount to an abuse of the process of law, this Court would be justified in exercising its inherent jurisdiction to prevent such abuse and secure the ends of justice.

10. The principles governing the exercise of inherent jurisdiction under Section 482 of the Cr.P.C. have been elaborately laid down by the Hon'ble Supreme Court in the celebrated judgment of ***State of Haryana & Others v. Bhajan Lal & Others***, reported in ***1992 Supp (1) SCC 335***, wherein the Hon'ble Supreme Court illustrated certain categories of cases in which the inherent powers of the High Court may be exercised to quash criminal proceedings. One of the well-recognised categories is where the allegations made in the F.I.R. or the complaint, even if taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence or make out a case against the accused. Another category is where the allegations are so absurd and inherently improbable that no prudent person could ever reach a

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just conclusion that there exists sufficient ground for proceeding against the accused. The Hon'ble Supreme Court has, however, cautioned that these categories are illustrative and not exhaustive, and the inherent jurisdiction is to be exercised sparingly and with due circumspection.

11. Thus, the crucial consideration for this Court, while examining the prayer for quashing, is whether the allegations levelled against the petitioners, read as a whole and without embarking upon an appreciation of the defence version, disclose the essential ingredients of the offences alleged. The Court is also required to examine whether the continuation of the criminal proceedings against the petitioners would serve the ends of justice or would amount to an abuse of the process of the Court. It is in the light of the aforesaid settled principles that the facts and materials of the present case are required to be examined.

12. Upon consideration of the allegations made in the F.I.R. and the materials available on record, it appears that the allegations against the petitioners are general and omnibus in nature. The informant (O.P. No.2) has made collective allegations against the petitioners, who happen to be her father-in-law (petitioner no.1), mother-in-law (petitioner no.2), brother-in-law (petitioner no.3) and two unmarried sisters-in-law (petitioner nos.4

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& 5). However, there is no specific allegation disclosing the individual role played by each of the petitioners in the alleged demand of dowry or commission of cruelty. The allegations regarding demand of Rs.2,00,000/- in cash and other articles, as well as the alleged assault and torture, have been levelled in a sweeping manner without furnishing specific particulars of the alleged acts attributable to the petitioners.

13. It is further evident from the materials placed on record that the very relationship of husband and wife between the informant (O.P. No.2) and Chandan Kumar is under dispute. The specific case of the petitioners is that Chandan Kumar was aged about 16 years at the relevant point of time and that the alleged marriage was performed under circumstances which were neither voluntary nor consensual. In this regard, the petitioners have also brought on record the institution of Matrimonial Case No.213 of 2017 before the learned Principal Judge, Family Court, Patna, through his father as natural guardian, seeking a declaration regarding the nullity of the alleged marriage. Though the pendency of the matrimonial proceeding, by itself, may not be sufficient to discard the criminal allegations, the same assumes relevance when considered in conjunction with the nature of allegations levelled in

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the present case and the circumstances in which the criminal prosecution came to be instituted.

14. This Court is conscious of the settled legal position that, while exercising jurisdiction under Section 482 Cr.P.C., the defence of the accused cannot be taken into consideration for conducting a mini-trial, nor can the Court undertake a meticulous appreciation of the evidence collected during investigation. Nevertheless, where the allegations, even if accepted in their entirety, do not disclose the essential ingredients of the offences alleged, the High Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of law. In the present case, apart from the omnibus allegations of demand of dowry and physical and mental harassment, there is no specific material indicating the individual involvement of the petitioners in the alleged acts of cruelty. The mere fact that the petitioners are related to the husband of the informant cannot, in the absence of specific allegations constituting the alleged offences, be sufficient to subject them to the rigours of a criminal trial.

15. At this juncture, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in ***Dara Lakshmi Narayana (supra)***, wherein the Hon'ble Supreme Court, while dealing with a case involving allegations under Section 498A of

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the IPC and Sections 3 & 4 of the Dowry Prohibition Act, deprecated the practice of implicating the family members of the husband in matrimonial disputes on the basis of vague, general and omnibus allegations. The Hon'ble Supreme Court, particularly in paragraph 27 of the judgment, observed as herein under:

> ***"27.*** *A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members……."*

The Hon'ble Supreme Court ultimately held that continuation of such criminal proceedings, in the absence of specific allegations against the individual family members, would amount to an abuse of the process of law and would warrant interference by the High Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C.

16. Having regard to the nature of allegations, the absence of specific and distinct accusations against the petitioners

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and the attending circumstances in which the present criminal case came to be instituted, this Court is of the considered view that the allegations, even if taken at their face value and accepted in their entirety, do not make out a *prima facie* case warranting continuation of criminal proceedings against the petitioners. Permitting the prosecution to continue in such circumstances would amount to an abuse of the process of the Court. The present case, therefore, falls within the parameters laid down by the Hon'ble Supreme Court in ***Bhajan Lal (supra)***, warranting interference by this Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C.

17. Resultantly, the impugned order dated 11.12.2017 passed by the learned Additional Chief Judicial Magistrate-IV, Danapur, in connection with Bikram P.S. Case No.197 of 2017, taking cognizance of the offences under Section 498A of the IPC and the Sections 3 & 4 of the Dowry Prohibition Act, as well as the consequential criminal proceedings arising therefrom, are hereby quashed and set aside, insofar as the petitioners are concerned.

18. The present Criminal Miscellaneous application is, accordingly, allowed.

19. Interim Order(s), if any, stand vacated.

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20. Let a copy of this Judgment be transmitted to the Court concerned forthwith for needful and compliance.

(Sunil Dutta Mishra, J)

Ritik/-

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CAV DATE	27.10.2026
Uploading Date	04.11.2026
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