

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20856 of 2018

Arising Out of PS. Case No.-1883 Year-2013 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Meera Devi, W/o Sri Ramakant Singh R/o Village- Bharaul, P.S.- Bachhwara,
District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sujata, W/o Basant Kumar, D/o Dr. Ram Bilash Singh, R/o Village-
Musadpur, P.S.- Barauni, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the State	:	Mr. Arun Kumar, APP
For the O.P. No.2	:	Mr. Sarvottam Kumar, Advocate
		Ms. Asmita Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

12 05-05-2026

1. Heard learned counsel for the petitioner and learned
counsel for the O.P. No.2 as well as learned APP for the State.

2. The present application has been filed under
Section 482 of the Code of Criminal Procedure, 1973 for
quashing the order dated 13.02.2014 passed by the Court of
learned S.D.J.M., Begusarai (hereinafter referred to as
'Magistrate') in connection with Complaint Case No.1883 (C)
of 2013, wherein the learned Magistrate took cognizance of the
offence under Sections 498A, 323 and 379 read with Section 34
of the Indian Penal Code, 1860 and under Section 4 of the
Dowry Prohibition Act, 1961 against the present petitioner, who



is mother-in-law of the O.P. No.2, and six other accused persons.

3. Factual matrix giving rise to the present case is that O.P. No.2/complainant filed Complaint Case No.1883 (C) of 2013, wherein it is stated that the marriage between the complainant (Kumari Sujata) and the son of the petitioner herein, namely Basant Kumar (co-accused), was solemnized on 15.04.2012 according to Hindu rites and customs. It is alleged that at the time of marriage substantial dowry in the form of cash, car, ornaments and other articles was given, but soon after the marriage, the accused persons, including the present petitioner (who is the mother-in-law of O.P. No.2/complainant), started demanding additional dowry and subjected the complainant to physical and mental cruelty. When she failed to gratify their demands, she was ousted from her matrimonial home. Subsequently, the complainant filed the aforesaid complaint case.

4. 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 Magistrate, *vide* order dated 13.02.2014, took cognizance of the offences under Sections



498A, 323 and 379 read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act against all the accused persons including the present petitioners. Being aggrieved by the aforesaid impugned order passed by the learned Magistrate, the petitioner, who is mother-in-law of the complainant (O.P. No.2), has approached this Court seeking quashing of the said impugned order of cognizance.

5. Learned counsel for the petitioner submits that the entire prosecution, as initiated by the complaint case, is nothing but an abuse of the process of the Court and has been maliciously instituted with an ulterior motive to harass the petitioner, who is the aged mother-in-law of the O.P. No.2. It is submitted that the allegations made in the complaint petition are wholly vague, general and omnibus in nature, without attributing any specific overt act to the petitioner. Learned counsel submits that the O.P. No.2 admittedly resided with her husband at Delhi during the relevant period, and the petitioner was living separately, thus rendering the allegations against the petitioner inherently improbable. He further submits that the learned Magistrate has mechanically taken cognizance without proper application of judicial mind and in absence of *prima facie* materials against the petitioner.



6. Learned counsel for the petitioner submits that the present complaint has been filed as a counterblast to the matrimonial (divorce) case instituted by the husband of the O.P. No.2 prior to filing of the complaint, which clearly indicates *mala fide* intention. Learned counsel also submits that the materials on record, including official documents, demonstrate that the husband was posted outside Begusarai during the alleged period, thereby falsifying the version of the O.P. No.2. It is submitted that continuation of the criminal proceeding against the petitioner, in absence of any specific and credible allegation, would amount to misuse of the criminal justice system. Learned counsel further submits that this Court *vide* order dated 24.11.2014 passed in Cr. Misc. No.17715 of 2016 (***Ratna Kumari @ Ratna & Anr. v. State of Bihar & Ors.***) and also *vide* order dated 04.12.2017 passed in Cr. Misc. No. 4312 of 2015 (***Harishankar Kunwar & Anr. v. State of Bihar & Ors.***), has quashed the impugned order of cognizance dated 13.02.2014 against other similarly situated co-accused persons. Hence, learned counsel prays that this Court, in exercise of its inherent jurisdiction, quash the impugned order of cognizance as well as the entire criminal proceeding against the petitioner.

7. Learned counsel for the O.P. No.2 concedes that



petitioner is the mother-in-law of the O.P. No.2 (complainant) and father-in-law of the O.P. No.2 has already died on 05.02.2024 during the proceeding of this case. He further concedes that the entire proceeding including the order of cognizance dated 13.02.2014 passed by the learned Magistrate in Complaint Case No.1883 (C) of 2013 has been set aside *vide* order dated 24.11.2024 and 04.12.2017 by the Co-ordinate Bench of this Court in Cr. Misc. No.17715 of 2016 and Cr. Misc. No. 4312 of 2015 respectively, against other similarly situated co-accused.

8. Learned counsel for O.P. No.2 and learned APP for the State submit that in the facts and circumstances of this case, appropriate order may be passed in the interest of justice.

9. This Court has carefully considered the submissions advanced on behalf of the parties and perused the materials available on record. It is well settled that the inherent power under Section 482 of the Code of Criminal Procedure is to be exercised sparingly and with circumspection, and only in cases where the allegations made in the complaint, even if taken at their face value and accepted in their entirety, do not disclose the commission of any offence or where the continuation of the criminal proceeding would amount to an abuse of the process of



the Court. The Court is not required to embark upon a meticulous appreciation of evidence or adjudicate disputed questions of fact at this stage.

10. It is equally well settled that in cases arising out of matrimonial disputes, the tendency to implicate all family members of the husband without specific and distinct allegations has been deprecated by the Hon'ble Supreme Court in a catena of decisions. The Hon'ble Apex Court has consistently held that vague and omnibus allegations, without any *prima facie* material indicating active involvement, would not justify the continuation of criminal proceedings against such relatives. However, it is equally settled that where the allegations are inherently improbable, absurd, or do not disclose the essential ingredients of the alleged offences, or where the proceeding appears to be manifestly attended with *mala fide* and instituted with ulterior motive, the Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of law.

11. The Hon'ble Supreme Court in *Achin Gupta v. State of Haryana and Anr.*, reported in (2025) 3 SCC 756 has observed as under:

“35. In one of the recent pronouncements of this Court in Mahmood Ali v. State of U.P.



*[Mahmood Ali v. State of U.P., (2023) 15 SCC 488] , authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482 CrPC was examined. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482CrPC 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.**”*

(emphasis supplied)

12. Upon perusal of the allegations made in the complaint petition, this Court finds that the accusations against the present petitioner, who is the mother-in-law of the complainant (O.P. No.2), are general and omnibus in nature. No specific date, time or particular overt act has been attributed to them so as to *prima facie* constitute the offences alleged. The



complaint primarily contains sweeping statements regarding demand of dowry and cruelty without delineating the individual role of the petitioner. It is also not in dispute that the complainant was residing with her husband at Delhi for a considerable period after marriage, which renders the direct involvement of the petitioner, who was residing separately, doubtful.

13. It further appears from the materials brought on record that the matrimonial relationship between the complainant (O.P. No.2) and her husband had already become strained, and a matrimonial (divorce) proceeding had been instituted by the husband prior to the filing of the present complaint case. The complaint has been filed subsequent to receipt of notice in the said matrimonial proceeding, which lends credence to the submission of the petitioner that the present criminal case may have been instituted as a counterblast.

14. Having regard to the aforesaid facts and circumstances, and considering the nature of allegations made against the petitioner, this Court finds that the essential ingredients of the offences alleged are not clearly made out against her from the complaint petition itself. The continuation of the criminal proceeding, in absence of specific and credible



allegations, would result in unnecessary harassment of the petitioner and would amount to abuse of the process of the Court.

15. In such circumstances, this Court is of the considered opinion that the present case falls within the parameters laid down by the Hon'ble Supreme Court in *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*, particularly the category where the allegations made in the complaint, even if taken at their face value, do not disclose a *prima facie* case against the accused or are so vague and omnibus that no prudent person can reach a just conclusion for proceeding against them. Accordingly, the continuation of the criminal proceeding against the present petitioner would amount to an abuse of the process of the Court and warrants interference in exercise of inherent powers to meet the ends of justice.

16. Accordingly, the impugned order dated 13.02.2014 passed by the Court of learned S.D.J.M., Begusarai in Complaint Case No. 1883 (C) of 2013, so far as it relates to the present petitioner, is hereby set aside.

17. Resultantly, the entire criminal proceeding arising



out of the aforesaid complaint case, as against the petitioner,
stands quashed.

18. The present Criminal Miscellaneous Application,
accordingly stands allowed.

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

(Sunil Dutta Mishra, J)

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