

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59427 of 2021

Arising Out of PS. Case No.-664 Year-2021 Thana- AGAMKUAN District- Patna

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1. RUPA KUMARI Wife of Shailendra Prasad Resident of Housing Colony, Flat No.- L/G- 12, P.S. - Dhanbad, District - Dhanbad, Jharkhand.
 2. Shailendra Prasad Son of Late Kailash Ram Resident of Housing Colony, Flat No.- L/G- 12, P.S. - Dhanbad, District - Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Archana Kumari Daughter of Ashok Ram Resident of Mohalla - Patel Nagar, Sri Ram Path, P.S.- Shashtri Nagar, District and Town - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 22-06-2026

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek quashing of the FIR of Agamkuan P.S. Case No. 664 of 2021 dated 09.08.2021, registered for offences under Sections 341, 323, 354A, 379, 498A, 504, 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. The prosecution case is that the informant married Kishore Kumar @ Kukku on 30.11.2020 and went to her matrimonial home on 01.12.2020. Thereafter, she allegedly faced torture, abuse, assault, and dowry demands of Rs. 10 lakhs and a



vehicle from her husband's family. Her mother-in-law allegedly took her ornaments and later claimed to have passed them on to Petitioner No. 2. On 31.03.2021, she was sent back to her parental home. The accused allegedly abused and threatened her, and one of the accused allegedly misbehaved with her sister.

4. Learned counsel for the petitioners submits that the petitioners are innocent persons who have been falsely implicated in the present case. It is submitted that Petitioner No. 1, Rupa Kumari, is the married *nanad* of Opposite Party No. 2 (informant), and Petitioner No. 2, Shailendra Prasad, is her *nandoshi*; both reside separately and have no concern with the matrimonial affairs of Opposite Party No. 2. A bare perusal of the FIR reveals that the allegations levelled against the petitioners are vague, omnibus, and general in nature, and no specific overt act, date, or incident has been attributed to them. The petitioners neither demanded any dowry nor subjected the informant to any cruelty and have been roped in only with an oblique motive to exert pressure upon the family members of the husband. It is further submitted that the ingredients of the offences alleged are not made out against the petitioners. Therefore, continuation of the criminal proceedings against the petitioners would amount to an abuse of the process of the Court and, accordingly, the impugned FIR and all



consequential proceedings arising therefrom are liable to be quashed in exercise of the inherent jurisdiction of this Court.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the FIR of Agamkuan P.S. Case No. 664 of 2021 dated 09.08.2021.

6. The Hon'ble Supreme Court in *Abhishek vs. State of Madhya Pradesh* reported in *[2023 SCC Online SC 1083]*, and in a line of decisions preceding it, has quashed proceedings against in-laws where the allegations in the FIR were general and omnibus in character. In the present case, the FIR does not attribute any specific act, date, or incident to either petitioner; the allegations against them are collective and undifferentiated, bringing this case squarely within the principle laid down in *Abhishek*. Moreover, the dispute, which commenced in 2020, appears to be essentially between the husband and wife; the petitioners had no independent concern with it. The relevant paragraphs 13 to 16 of the aforesaid decision are as under:

“13. 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 alias Sonam v. State of Bihar [(2022) 6 SCC 599], this Court had



occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. 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 498A IPC 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.

14. In Preeti Gupta v. State of Jharkhand [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have



to be scrutinised with great care and circumspection.

15. Earlier, in *Neelu Chopra v. Bharti* [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in *Mahmood Ali v. State of U.P.* (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023) on the legal principles applicable apropos Section 482 Cr.P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr.P.C. 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."



7. In such view of the matter, this Court has considered the submissions advanced on behalf of the petitioners. The FIR, read as a whole, discloses no specific overt act, date, or incident attributable to either petitioner. Both reside separately from the matrimonial home and had no independent concern with the matrimonial affairs of Opposite Party No. 2. The continuation of criminal proceedings against them, on allegations that are wholly general and omnibus, would amount to an abuse of the process of this Court. Accordingly, this Court, exercising its inherent power under Section 528 BNSS (corresponding to Section 482 Cr.P.C.), quashes the FIR of Agamkuan P.S. Case No. 664 of 2021 dated 09.08.2021, pending before the learned Court of Additional Chief Judicial Magistrate, Patna City, Patna, insofar as it relates to Petitioner No. 1, Rupa Kumari (married *nanad* of Opposite Party No. 2), and Petitioner No. 2, Shailendra Prasad (*nandoshi* of Opposite Party No. 2).

8. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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