IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41958 of 2017

CNR No. BRHC010738002017

Arising Out of PS. Case No.-25494 Year-2014 Thana- PATNA COMPLAINT CASE District-Patna

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1. Rakhi Jaiswal and Ors Wife of Ravi Ranjan
2. Ravi Ranjan Kumar @ Ravi Ranjan Son of Bhagwat Bhagat Both resident of Sushila Sadan, Shivajee Nagar, Purani Jakkanpur, P.S. Jakkanpur,District-Patna.
3. Shobha Jaiswal@ Shobhas Kumari @ Pinki Daughter of Mohanlal Resident of Mohalla Ghasiyari Tola Thana Chawk, P.S. Patna City, District- Patna.

... ... Petitioner/s

Versus

1. State Of Bihar and Anr
2. Manisha Jaisawal Wife of late Somprakash Jaiswal Resident of Mohalla Ghasiyari Tola Thana Chawk, P.S. Patna City at Present Residing at C/O- Dr. Ram Naresh Singh, Parwati Path, P.S.- Patrakar Nagar, District- Patna.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sajid Salim Khan, Sr. Advocate Mr. Asif Khan, Advocate Mr. Yasir Ashraf, Advocate Ms. Sobiya Mushtaque, Advocate
For the Opposite Party/s	:	Mr. Sri Jharkhandi Upadhyay, APP
For the Opposite Party No. 2	:	Mr. Shailendra Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT
Date : 28-10-2026

Heard learned counsel for the appellants and learned APP for the State.

2. This is a petition under Section 482 of the Code of Criminal Procedure, 1973. The complaint was filed under Sections 120B, 323, 380, 406 and 498A read with Section 34 of the Indian Penal Code, 1860 and cognizance has been taken under Sections 498A, 323 and 504 read with Section 34 of the Indian Penal Code.

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3. The petitioners have prayed for quashing of the order dated 08.08.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 25494(C) of 2014, by which cognizance has been taken against them and summons issued and also for quashing of the entire proceeding of the complaint case so far as they are concerned.

4. The complainant, Opposite Party No. 2, is the widow of Som Prakash Jaiswal. She was married to him on 13.12.2006 and has a daughter and a son from the marriage. The complaint names five accused. Accused No. 1 Meena Jaiswal is her mother-in-law and Accused No. 2 Mohanlal is her father-in-law. Accused No. 3 Shobha Jaiswal @ Pinki is the elder sister of her husband and is unmarried. Accused No. 4 Rakhi Jaiswal is the younger sister of her husband and is married to Accused No. 5 Ravi Ranjan. Accused Nos. 3, 4 and 5 are the petitioners here, Rakhi Jaiswal being petitioner No. 1, Ravi Ranjan petitioner No. 2 and Shobha Jaiswal petitioner No. 3.

5. The Complainant alleged that her married life was happy till her husband died in the year 2012 after a short illness at Magadh Hospital, Patna. About a month after the shraddh the behaviour of the mother-in-law, the two sisters-in-law and the father-in-law changed. The parents-in-law neglected her and her

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children, stopped their food and refused to maintain them. She had to leave her six month old son with her mother. At a family panchayati held on 16.12.2012 the parents-in-law refused to give her shelter and it was decided that she would stay on in the matrimonial home and maintain herself and her children. When she then asked for her jewellery, which she says she had given to the parents-in-law for safe keeping at the time of her husband's death, they put it off and later refused. The complaint says that since her stay in the house was not liked, all the accused in a conspiracy put Rakhi with her two daughters in the house and got the girls admitted in the school near the house. After that, the accused and particularly Accused Nos. 1 to 4 abused her and her parental family, took away her articles in her absence, cast aspersions on her and goaded her to commit suicide. When she complained to Ravi Ranjan he first said he would stay out of it and later told her that if there was so much trouble she should live at her parental home, that even in the matrimonial home she would have to live at her own expense. He asked her not to call him again. The complaint also says that from the beginning the intention of Accused Nos. 4 and 5 has been to grab her rights and share. As to 01.03.2014, the allegation is that Accused Nos. 1 and 3 caught hold of both her hands and Accused No. 4 knocked her

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head against the wall and hit her with the shoe of the complainant's daughter. Her father and brother went to Chowk Police Station on 02.03.2014 and the police came to the house, scolded the accused and warned them. On the next day she was again abused and beaten and the father-in-law forcibly left her at her parental home with a threat. At Patrakar Nagar Police Station she was told to go to the court and so the complaint was filed.

6. On solemn affirmation on 26.03.2014 the complainant said that her parents-in-law did not like her staying in the house. She kept the younger child with her mother and stayed in the matrimonial home with the elder. She also stated that the mother-in-law, the father-in-law, Shobha and Rakhi together abused her, assaulted her and told her to die, saying that she had eaten up her husband. She further stated that at the panchayati of 16.12.2012 the parents-in-law refused to maintain her and told her that she had been married to their son and not to the house and she should leave the house. When she phoned Ravi Ranjan he refused to listen. The chain and ring she gave to the father-in-law during her husband's illness and the mangalsutra and chain she gave to the mother-in-law after his death were not returned. She also said that the land and the key of the vehicle in the name of her husband were not given to her. She gave the account of 01.03.2014 as in the

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complaint. Answering the court, she said that partition has not taken place and that the in-laws want to oust her and that is why they are behaving with her in this manner.

7. Two enquiry witnesses were examined. EW-1 Arjun Prasad Jaiswal is related to both sides. The mother-in-law is his cousin sister and the complainant is the daughter of his brother-in-law. The complaint itself says that the marriage was settled through him. He has said in general terms that after the death of the husband the accused used to beat the complainant, that he tried to mediate and was also misbehaved with and that the accused have kept all her articles. Answering the court, he said that the occurrence took place in his presence, but he does not say which occurrence, on what date or what any of the petitioners did. EW-2 Abhishek Kumar is the brother of the complainant. According to him everything was normal while his brother-in-law was alive. After his death all the accused together began to trouble his sister and tried to throw her out of the house and oust her from the property. Rakhi Jaiswal came and started living in her parental home. They stopped her food and asked her why she did not go and get herself cut on the railway line close by. His sister was badly beaten on 01.03.2014 and on 03.03.2014 the father-in-law left her and her children at their house with a threat. He has also

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said that the jewellery given to the parents-in-law has not been returned.

8. By the order dated 08.08.2014 the learned Magistrate found a prima facie case under Sections 498A, 323 and 504 read with Section 34 IPC and summoned all the accused. On Sections 120B, 380 and 406 IPC, which were the sections on conspiracy, the taking away of articles and the jewellery, the learned Magistrate recorded that sufficient material was not available. This petition was filed in the year 2017 and on 15.09.2017 this Court stayed the further proceeding of the complaint case.

9. Mr. Sajid Salim Khan, learned Senior Counsel for the petitioners, submitted that the petitioners are the two sisters of the deceased and the husband of one of them and they have been made accused only because of the relationship. There is no demand of dowry and the quarrel is over the property of the deceased. According to him the complainant was living separately from her parents-in-law even in the lifetime of her husband. After his death the father-in-law helped her get about Rs. 35 lakh from LIC, mutual funds and brokerage dues. Petitioner No. 1, being a joint holder of the account in which the brokerage of the deceased came, transferred that amount to the complainant. The trouble started when the father-in-law objected to her selling four and a

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half katha of land which had been purchased in the name of his son. He submitted that no overt act is attributed to the petitioners and the enquiry witnesses are hearsay witnesses who do not support the complaint.

10. The prayer was opposed by the learned APP for the State and by Mr. Shailendra Pratap, learned counsel for the Opposite Party No. 2. It was submitted that the complaint, the statement on solemn affirmation and the enquiry witnesses disclose a prima facie case, that a specific role has been given to petitioner Nos. 1 and 3 in the occurrence of 01.03.2014 and that the truth of the allegations can only be tested at the trial. No counter affidavit has been filed on behalf of the Opposite Party No. 2.

11. This Court has gone through the complaint, the statement of the complainant on solemn affirmation and the statements of the two enquiry witnesses. The complaint is not about dowry. There is no demand of dowry or of any property or valuable security anywhere in the complaint or in the statements. What the complainant asked for after the death of her husband and was refused was maintenance, her jewellery, the land and the vehicle standing in the name of her husband and her right to remain in the house. Before the learned Magistrate she said in so

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many words that partition has not taken place and that the in-laws want to oust her and that is why they behave with her in this manner. Her brother says the same. The complaint goes further and says that petitioner Nos. 1 and 2 had their eye on her share from the beginning. Read as a whole, the case is about the place of a widow in her husband's family and her share in what he left behind.

12. Section 498A IPC punishes cruelty by the husband or a relative of the husband. The Explanation to the section gives the meaning of cruelty. Clause (b) of the Explanation deals with harassment to coerce the woman or her relatives to meet an unlawful demand for property or valuable security. There is no such demand here and clause (b) is out of the way. Under clause (a) the conduct has to be wilful and of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health. The Hon'ble Supreme Court in ***Sanjay D. Jain and Others vs. State of Maharashtra and Others*** reported in ***2025 SCC Online SC 2090***, has held as follows:

> *"10. A perusal of the FIR and its consideration in entirety indicates that statements of a general nature have been made therein as against the present appellants. The complainant states that on 07.08.2021 when she had gone to her parental house, she had received a call from her mother-in-law raising*

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a demand for clothes and jewellery. When she returned to her matrimonial house on 30.08.2021, she had taken few clothes for the family members. Except this statement, all other statements are of a general nature as well as vague without any particulars. There are other omnibus statements made in the complaint without any particulars whatsoever. It is also to be noted that for the purpose of constituting an offence punishable under Section 498-A of the Penal Code, cruelty as indicated in the Explanation to the said provision must be stated to be inflicted. The cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. Such allegations are absent in the present case. We do not find that on a complete reading of the complaint, a prima facie case for proceeding under Section 498-A of the Penal Code has been made out against the appellants."

13. In that case there was at least one specific demand for clothes and jewellery made on the telephone by the mother-in-law and still no *prima facie* case under Section 498A was found against the in-laws. Here the material against the petitioners is abuse and taunts said to have come from all the accused together and the refusal to return her articles. The articles, on her own showing, were handed over to the parents-in-law and not to any of

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the petitioners. The words asking her to die and the taunt about the railway line are put in the mouth of all the accused at once, without the time, the place or the person who said them. This is not conduct of the kind described in clause (a) which can be fastened on any of the petitioners.

14. The Hon'ble Supreme Court in ***Kahkashan Kausar alias Sonam and Others vs. State of Bihar and Others*** reported in ***(2022) 6 SCC 599***, which arose from an order of this Court, has held as follows:

> *"11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-A IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-A IPC as instruments to settle personal scores against the husband and his relatives.*
>
> *12. This Court in its judgment in Rajesh Sharma v. State of U.P., has observed : (SCC pp. 478-79, para 14)*

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'14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression "cruelty" in Section 498-A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.'

13. Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar, it was also observed : (SCC p. 276, para 4)

'4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to

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combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested.'

14. Further in Preeti Gupta v. State of Jharkhand, it has also been observed : (SCC pp. 676-77, paras 32-36)

'32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and

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should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. 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. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different

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complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful.'

15. In Geeta Mehrotra v. State of U.P. it was observed : (SCC p. 749, para 21)

'21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V. Rao v. L.H.V. Prasad wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12)

"12. ... There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting

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in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their cases in different courts."

The view taken by the Judges in this matter was that the courts would not encourage such disputes.'

16. Recently, in K. Subba Rao v. State of Telangana, it was also observed that : (SCC p. 454, para 6)

'6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.'

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-A IPC and the increased tendency of implicating

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relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that 'all accused harassed her mentally and threatened her of terminating her pregnancy'. Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made

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against them being general and omnibus, do not warrant prosecution."

15. Petitioner No. 2, Ravi Ranjan, is the husband of the younger sister of the deceased. The complaint gives his address at Mithapur and does not say that he ever came to the house at Ghasiyari Tola during the period in question. What is said against him is that when the complainant telephoned him he first said he would keep away from the matter and later, when the assault began, spoke harshly to her and said that if there was so much trouble she should go and live at her parental home. He also asked her not to call. In her statement on solemn affirmation she adds that after the occurrence of 01.03.2014 she phoned him again and he told her to leave the house. The only other line against him is the line about his intention to grab her share. EW-1 does not name him at all. None of this is cruelty within the meaning of Section 498A IPC and none of it is hurt or insult under Sections 323 and 504 IPC.

16. Petitioner No. 3, Shobha Jaiswal, is the unmarried sister of the deceased and lives with her parents. Petitioner No. 1, Rakhi Jaiswal, is the married sister. According to the complaint she was brought to stay in the house with her two daughters after the panchayati. Against both of them most of the complaint is in the same general words used for all the accused. So far as Section 504

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IPC is concerned, the abuse and the taunts are attributed to all the accused together, with no words put in the mouth of either petitioner on any date. One incident is different. For 01.03.2014 the complaint and the statement on solemn affirmation say that the mother-in-law and Shobha held the hands of the complainant and Rakhi knocked her head against the wall and hit her with the shoe of the complainant's daughter. This is the only place where any act of violence is attached to any of the petitioners and it requires to be noticed carefully. Her father went to Chowk Police Station the next day and came back with the police. On her own showing the police only scolded the accused and warned them. No report of that visit, no injury report and no paper of any treatment was placed before the learned Magistrate. EW-1 does not speak of this incident in particular. EW-2 says that his sister was badly beaten that day but does not say which of the accused did what. The learned Magistrate took cognizance under Section 323 IPC, which is for simple hurt. The complaint was filed after the father-in-law had left the complainant at her parental home on 03.03.2014 and it carries in the same breath her case about her share.

17. The Hon'ble Supreme Court in ***Salib alias Shalu alias Salim vs. State of U.P. and Others*** reported in ***2023 INSC 687***, has held that where a proceeding is said to be frivolous or

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vexatious or instituted with an ulterior motive, the Court owes a duty to look into the other attending circumstances emerging from the record over and above the averments and, if need be, to read between the lines. Paragraph 26 of the said judgment is as follows:

> *"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or 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 for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just 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. 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 try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into*

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> *account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."*

18. When the record of this case is read in that way, what emerges is this. A widow with two small children was left in a house of which there had been no partition. At the panchayati the parents-in-law refused to maintain her and asked her to leave. Her jewellery, the land and the vehicle were held back. According to her, the married daughter of the house was brought in to stay with her own children. The quarrel which followed was about who would keep the house and the property. The complaint names everybody in the family, including the married daughter's husband who lived elsewhere. In its own words it says that two of the accused had their eye on her share from the beginning. The incident of 01.03.2014, unsupported by any injury report or independent material and coming at the end of this quarrel, does not change the character of the complaint so far as the petitioners are concerned.

19. The claims of the complainant to her stridhan, to a share in what her husband left and to a roof over her head are

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claims the law recognises. But the criminal court is not the forum for them. A Magistrate trying a case under Sections 498A, 323 and 504 IPC cannot give her a share in the property, cannot put her in possession of the house and cannot fix her maintenance in that case. As already noted above, the learned Magistrate himself found no sufficient material under Section 406 IPC in respect of the jewellery. If the prosecution of the two sisters of the deceased and the husband of one of them is allowed to go on, the only use it can be put to is to press them into giving in on the property. A criminal prosecution is not meant for that.

20. In ***State of Haryana and Others vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) SCC 335***, the Hon'ble Supreme Court has laid down the categories of cases in which the power under Section 482 Cr.P.C may be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice. Paragraph 102 of the said judgment is as follows:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may*

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not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

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> *(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

21. So far as Section 498A IPC is concerned, the complaint and the statements, taken at their face value, do not make out the offence against any of the petitioners and the case falls in the first category. So far as the petitioners are concerned, the whole proceeding falls in the seventh category as well, being a proceeding instituted with an ulterior motive to use the criminal court as a lever in a dispute over property.

22. In the result, the order dated 08.08.2014 passed by the learned Judicial Magistrate, 1st Class, Patna in Complaint Case No. 25494(C) of 2014, so far as it relates to the petitioners, is quashed. The entire proceeding of the complaint case, so far as it relates to the petitioners, is also quashed.

23. The parents-in-law, Accused Nos. 1 and 2, have not come to this Court. The observations made in this judgment are confined to the petitioners and the case against the remaining accused shall proceed on its own merits. Nothing said here shall stand in the way of the complainant in pursuing her claims to her stridhan, her share in the property and her residence before the

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appropriate forum. Those claims shall be decided on their own merits.

24. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekkr/-

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CAV DATE	13.10.2026
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