

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71318 of 2023

Arising Out of PS. Case No.-114 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. UMESH KUMAR SRIVASTAVA S/O ATAL BIHARI SRIVASTAVA R/O MOHALLA- GANESH NAGAR COMPLEX, PANDAV NAGAR, NEAR HANUMAN MANDIR, P.S- GANESH NAGAR, NEW DELHI, PERMANENT RESIDENT OF BHAURA CHARSE CHAPRA (NAIT BASTI), P.S- CHAPRA, DISTT.- SARAN.
2. NEELU SRIVASTAVA @ NILU SHRIVASTAVA W/O UMESH KUMAR SRIVASTAVA R/O MOHALLA- GANESH NAGAR COMPLEX, PANDAV NAGAR, NEAR HANUMAN MANDIR, P.S- GANESH NAGAR, NEW DELHI, PERMANENT RESIDENT OF BHAURA CHARSE CHAPRA (NAIT BASTI), P.S- CHAPRA, DISTT.- SARAN.
3. CHANDAN KUMAR SRIVASTAVA @ CHANDAN SHRIVASTAVA S/O UMESH KUMAR SRIVASTAVA R/O MOHALLA- GANESH NAGAR COMPLEX, PANDAV NAGAR, NEAR HANUMAN MANDIR, P.S- GANESH NAGAR, NEW DELHI, PERMANENT RESIDENT OF BHAURA CHARSE CHAPRA (NAIT BASTI), P.S- CHAPRA, DISTT.- SARAN.
4. DEEP SHIKSHA @ SRIVASTAVA RUBI SRIVASTAVA @ DEEPSHIKHA SHRIVASTAVA D/O UMESH KUMAR SRIVASTAVA R/O MOHALLA- GANESH NAGAR COMPLEX, PANDAV NAGAR, NEAR HANUMAN MANDIR, P.S- GANESH NAGAR, NEW DELHI, PERMANENT RESIDENT OF BHAURA CHARSE CHAPRA (NAIT BASTI), P.S- CHAPRA, DISTT.- SARAN.
5. KISHAN KUMAR SRIVASTAVA @ KRISHNA KUMAR SHRIVASTAVA S/O RAM KISHORE SINHA R/O MOHALLA- GANESH NAGAR COMPLEX, PANDAV NAGAR, NEAR HANUMAN MANDIR, P.S- GANESH NAGAR, NEW DELHI, PERMANENT RESIDENT OF BHAURA CHARSE CHAPRA (NAIT BASTI), P.S- CHAPRA, DISTT.- SARAN.
6. SANJIV KUMAR SRIVASTAVA @ SANJEEVA NARAYAN SINHA S/O LATE JAGDISH NARAYAN SINHA R/O VILLAGE- CHANDWA MORE, ARA, POLICE STATION- ARA, DISTT.- BHOJPUR.
7. SIMMI SRIVASTAVA W/O SANJIV KUMAR SRIVASTAVA R/O VILLAGE- CHANDWA MORE, ARA, P.S- ARA, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SADHNA SRIVASTAVA W/O BHUSHAN KUMAR SRIVASTAVA, R/O FAJALGANJ, WARD NO. 10, GITAGHAT COLONY SASARAM, P.S- SASARAM (MODEL), DISTT.- ROHTAS.

... .. Opposite Party/s

Appearance :



For the Petitioner/s : Mr.Sanjeev Ranjan, Adv.
For the Informant : Mr.Sunil Kr. Singh, Adv.
For the State : Mr.Pranav Kumar, APPSS

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 14-05-2026

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

2. The petitioners have challenged the order dated 06.10.2020 passed in Sasaram Town P.S. Case No. 114 of 2018 by which learned C.J.M, Sasaram had taken cognizance under section 498A read with 34 of the IPC and 3/4 of D.P. Act.

3. The present case arises out of a matrimonial dispute under Section 498A of IPC. The allegation is that the marriage of the informant with Bhushan Kumar Srivastava was solemnized on 21.12.2017 and after 22 days of her marriage she went with her husband and mother-in-law to Delhi. Thereafter, it is alleged that all her in-laws started demanding dowry. She has further alleged that her sister-in-law runs a dance bar and she also started asking her to dance in the same. Finally, she had left the matrimonial house.

4. That it is relevant to state that the petitioner no. 1 is father in law, petitioner no. 2 is mother in law, petitioner no. 3 is brother in law, petitioner no. 4 is sister in law, petitioner no. 5 is



cousin brother in law and petitioner nos. 6 and 7 are persons who have mediated in settlement of marriage.

5. Learned counsel for the petitioners submits that the lady developed matrimonial strains with her husband. So far as the father-in-law is concerned he is suffering from fourth stage of prostrate cancer. Moreover, learned counsel for the petitioners further submits that the dispute essentially arose on account of matrimonial discord between the husband and wife. Learned counsel further submits that the allegations levelled against the petitioners are vague, general, and omnibus in nature and no specific overt act has been attributed to them. It is a well-settled principle of law laid down by the Hon'ble Supreme Court in *Preeti Gupta vs. State of Jharkhand* reported in (2010) 7 SCC 667, *Geeta Mehrotra v. State of U.P.* reported in (2012) 10 SCC 741, *Rajesh Sharma v. State of U.P.* reported in (2018) 10 SCC 472 and *Kahkashan Kausar @ Sonam v. State of Bihar* reported in (2022) 6 SCC 599 held that where allegations under Section 498A IPC against the relatives of the husband are general, vague, and omnibus in nature without specific allegations of overt acts, continuation of the criminal proceeding amounts to gross abuse of the process of the Court. Consequently, where the prosecution itself is unsustainable, any coercive process, including issuance of



Non-Bailable Warrants or insistence upon routine personal appearance of such relatives, becomes legally unsustainable and contrary to the principles laid down by the Hon'ble Supreme court where the Non-Bailable Warrant has been quashed.

6. Learned counsel for the informant States that Non-Bailable Warrant have been issued against the accused persons. It is further submitted that there is direct allegation against the Petitioner No. 4 that she forced the complainant to dance in the bar. Learned counsel further submits that the petitioners have not appeared in the Maintenance Case and the complainant has been contesting the case for last about nine years. It is also submitted that some compensation may be awarded to the informant and the learned Trial Court is not proceeding with the case against the husband and that must be proceeded.

7. Learned counsel for the informant and learned Additional Public Prosecutor for the State has vehemently opposed quashing of the order of cognizance dated 06.10.2020.

8. The court on perusal of the record finds that the allegations are general and omnibus in nature. So far as the appearance of these petitioners in the maintenance case is concerned, this court without looking at the petition of the matrimonial case is sure that these petitioners will not be a party



to the maintenance case that is against the husband and the husband to take all the steps against her. So far as the issue of compensation is concerned, the parties are in the process of getting the case adjudicated.

9. Considering the fact that the allegations are vague and general in nature and placing reliance upon the judgment of Hon’ble Supreme Court in the case of *Abhishek Vs. State of Madhya Pradesh* reported in *(2023) SCC Online SC 1083* and *Preeti Gupta vs. State of Jharkhand* reported in *(2010) 7 SCC 667*, the proceedings are hereby quashed.

10. In such view of the matter, the order of cognizance dated 06.10.2022 passed in connection with Sasaram Town P.S. Case No. 114 of 2018 by the learned C.J.M, Sasaram is quashed so far as the petitioners are concerned.

11. Accordingly, the present petition stands allowed.

(Ansul, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2026
Transmission Date	

