

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75445 of 2023

Arising Out of PS. Case No.-1170 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. RAM PRASAD RAUNAK SON OF RAM AVTAR RAUNAK RESIDENT OF VILLAGE AND POST - SINGHAUL, POLICE STATION - BELAGANJ, DISTRICT - GAYA
 2. PARVATI DEVI WIFE OF RAM PRASAD RAUNAK RESIDENT OF VILLAGE AND POST - SINGHAUL, POLICE STATION - BELAGANJ, DISTRICT - GAYA
 3. RUPESH RAUNAK @ SIYAWAR PRASAD SON OF RAM PRASAD RAUNAK RESIDENT OF VILLAGE AND POST - SINGHAUL, POLICE STATION - BELAGANJ, DISTRICT - GAYA
 4. NAVIN RAUNAK @ NAVIN KUMAR SON OF RAM PRASAD RAUNAK RESIDENT OF VILLAGE AND POST - SINGHAUL, POLICE STATION - BELAGANJ, DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RITA KUMARI WIFE OF DIPESH RAUNAK, DAUGHTER OF SHYAM PRASAD SINGH RESIDENT OF VILLAGE AND POST - SINGHAUL, POLICE STATION - BELAGANJ AND DISTRICT - GAYA. AT PRESENT C/O. MUNNA SINGH, RESIDENT OF VILLAGE - SHIVGANJ TOLA, POST - DAWAN, POLICE STATION - BIHIYA AND BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 30-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for quashing
of the order dated 11-10-2022 passed in Complaint Case No.
1170© of 2022 whereby and whereunder, the learned court
below took cognizance against the petitioners for the offence



punishable under sections 323, 498(A) and 506 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

3. The petitioners are in laws. The allegation against them is general and omnibus and the main thrust of allegation seems to be against the husband.

4. Learned counsel for the petitioners has relied upon the judgment of *Abhishek vs. State of Madhya Pradesh reported in [2023 SCC Online SC 1083]*. He has referred paragraph Nos. 13, 14 and 15 of the said judgment which are as follows:

“(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”.

5. Considering the aforesaid facts and circumstances, the present application with respect to the petitioners is **allowed** and the order dated 11-10-2022 passed by Nandini Suman,



Court Room No. 4, learned Judicial Magistrate-Ist Class,
Bhojpur in Complaint Case No. 1170© of 2022 is hereby
quashed.

(Ansul, J)

A.K.V.//-

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