

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22171 of 2018

Arising Out of PS. Case No.-292 Year-2016 Thana- SIKARPUR District- West Champaran

1. Md. Ashfaque @ Ashfaque Alam, Son of late Dasrath Mian
2. Akhatari Khatoon, W/o Ashfaque @ Ashfaque Aka. Both Resident of Mohalla- Malikana Road Masaurhi, P.S. Masaurhi, District- Patna.
3. Mahjabi, W/o Md. Imteyaz, Resident of Mohalla- Kamalpura , P.S. Bundelkhand, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabanam Parbin, D/o Salauddin Resident of Mohalla- Shanti Nagar, Hardiya Chauk, P.S. Sikarpur, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 01-05-2026 1. Heard learned counsel for the petitioners 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 08.02.2018 passed by learned Chief Judicial Magistrate, West Champaran at Bettiah (hereinafter referred to as 'Magistrate') in connection with Sikarpur P.S. Case No.292 of 2016, wherein the learned Magistrate took cognizance of the offence under Section 498A of the Indian Penal Code, 1860 and under Sections 3 & 4 of the Dowry Prohibition Act, 1961 against the present petitioners, who are



the in-laws of the O.P. No.2, and also against other accused persons.

3. The factual matrix giving rise to the present application is that the informant (O.P. No.2), Sabanam Praveen, was married to Md. Shoaib in the year 2009 according to Muslim rites and customs. It is alleged that at the time of marriage, sufficient dowry in the form of cash and household articles was given by the informant's family. After the marriage, the informant (O.P. No.2) went to her matrimonial home, where, after some time, the accused persons allegedly started demanding a car as additional dowry. Upon non-fulfilment of the said demand, the informant (O.P. No.2) was allegedly subjected to cruelty and assault. It is further alleged that despite the birth of two children from the wedlock, the demand of dowry and harassment continued, and in the year 2015, the informant (O.P. No.2) was allegedly driven out of her matrimonial home with threats to her life. On the basis of the said allegations, the informant (O.P. No.2) instituted Sikarpur P.S. Case No.292 of 2016 for the offences under Section 498A read with Section 34 of the Indian Penal Code as well as under Sections 3 & 4 of the Dowry Prohibition Act. Upon investigation, the police submitted the chargesheet.



4. Upon perusal of the materials available on record, the learned Magistrate took cognizance of the offence under Section 498A read with Section 34 of the Indian Penal Code as well as under Sections 3 & 4 of the Dowry Prohibition Act against five accused persons including the present petitioners, who are father-in-law (petitioner no.1), mother-in-law (petitioner no.2) and married sister-in-law (petitioner no.3) of the O.P. No.2, *vide* the impugned order dated 08.02.2018. Being aggrieved by the said impugned order of cognizance dated 08.02.2018, the petitioners have preferred the present application before this Court seeking quashing of the same.

5. Learned counsel for the petitioners submits that the impugned order of cognizance has been passed in a routine and mechanical manner without proper application of judicial mind, and as such, the same is not sustainable in the eye of law. It is submitted that a bare perusal of the F.I.R. would demonstrate that the allegations levelled against the present petitioners are wholly general and omnibus in nature, without any specific instance, date, or overt act being attributed to them. Learned counsel submits that the petitioners, who are aged parents-in-law and a married sister-in-law residing separately, have been falsely implicated merely on account of their relationship with



the husband of the O.P. No.2. It is further submitted that such sweeping and bald allegations do not disclose the essential ingredients of the offences alleged, particularly under Section 498A of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

6. Learned counsel for the petitioners further submits that the present case is a classic instance of over-implication, where all family members have been roped in with an exaggerated version of facts, which has been consistently deprecated by the Hon'ble Supreme Court. Learned counsel submits that even if the allegations made in the F.I.R. are taken at their face value and accepted in entirety, no *prima facie* case is made out against the present petitioners. He next submits that in such circumstances, allowing the criminal proceeding to continue against the petitioners would amount to abuse of the process of the Court. It is, therefore, submitted that the case of the petitioners squarely falls within the parameters laid down for quashing of proceedings, and the impugned order is liable to be set aside.

7. Learned APP for the State opposes the prayer for quashing and submits that the allegations made in the F.I.R. disclose a *prima facie* case against the petitioners. It is



submitted that at the stage of cognizance, detailed appreciation of evidence is not required, and therefore, the impugned order does not warrant interference by this Court.

8. Despite proper opportunities having been granted, no one appears on behalf of the O.P. No. 2 to contest the present application.

9. Having heard learned counsel for the parties and upon careful examination of the materials brought on record, this Court proceeds to consider the issue involved in the present application. At the outset, it is necessary to delineate the scope of inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure. It is a settled position of law that such power is to be invoked with great caution and only in circumstances where intervention is necessary to prevent misuse of the judicial process or to advance the cause of justice. At this stage, the Court is required to assess whether the allegations made in the complaint, if accepted in their entirety, disclose the commission of any offence, without undertaking a detailed evaluation of the evidentiary materials.

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. At this stage, it is apposite to reproduce some relevant paragraphs of the judgment of Hon'ble Supreme Court in the case of ***Abhishek v. State of Madhya Pradesh***, reported in ***(2023) 16 SCC 666*** with respect to the contours of the power to quash criminal proceedings under Section 482 of the Cr.P.C. The Hon'ble Apex Court observed as under:

“16. 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 v. State of Bihar [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused [Mohd. Ikram v. State of Bihar, 2019 SCC OnLine Pat 1985] to quash an FIR registered for various offences, including Section 498-AIPC. 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 498-AIPC 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.

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19. *Of more recent origin is the decision of this Court in Mahmood Ali v. State of U.P. [(2023) 15 SCC 488] on the legal principles applicable apropos Section 482 CrPC. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC 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.”

12. 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)

13. Upon a close scrutiny of the F.I.R. and the materials available on record, it transpires that the allegations made against the present petitioners are broadly worded and lack the essential particulars required to constitute a *prima facie* case. The O.P. No.2 has alleged demand of dowry and cruelty in a general manner without attributing any specific overt act, date, time, or manner of occurrence to the petitioners. The only allegation, at best, is a vague assertion regarding demand of a car, which too is not supported by any distinct role assigned individually to the petitioners. Such sweeping allegations, in absence of concrete details, fail to satisfy the basic ingredients of the offences alleged, particularly under Section 498A of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

14. It further appears that the petitioner nos.1 and 2



are aged parents-in-law and petitioner no.3 is a married sister-in-law, who would ordinarily be residing separately, and there is nothing on record to indicate their direct involvement in the alleged acts. The manner in which all family members have been implicated reflects a tendency of over-implication, which has been consistently discouraged in matrimonial disputes. In the absence of any specific and credible allegation demonstrating active participation of these petitioners, the continuation of the criminal proceeding against them would not only be unjustified but would also amount to misuse of the process of law.

15. At this juncture, it is pertinent to advert to the settled principles governing the exercise of inherent jurisdiction as enunciated 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***, wherein illustrative categories have been delineated for quashing of criminal proceedings under Section 482 of the Code of Criminal Procedure. It has been, *inter alia*, held that where the allegations made in the complaint or F.I.R., even if accepted in their entirety, do not disclose the commission of any offence



or fail to establish a *prima facie* case against the accused, or where the proceedings appear to be manifestly attended with *mala fide* or instituted with an ulterior motive, the High Court would be justified in exercising its inherent powers. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the case of the petitioners clearly falls within the said parameters, as the allegations levelled against them are vague, general and omnibus in nature, and do not satisfy the essential ingredients of the offences alleged.

16. In view of the aforesaid factual analysis and the settled legal position, this Court is of the considered opinion that the impugned order of cognizance suffers from non-application of judicial mind, inasmuch as the learned Magistrate has failed to examine whether the allegations, on their face value, constitute a *prima facie* case against the present petitioners. The continuation of the criminal proceeding against the petitioners, in the absence of specific and substantiated allegations, would amount to an abuse of the process of the Court and is, therefore, not sustainable in the eye of law.

17. Accordingly, the impugned order dated 08.02.2018 passed by the learned Chief Judicial Magistrate,



West Champaran at Bettiah in connection with Sikarpur P.S. Case No.292 of 2016, so far as it relates to the present petitioners, is hereby quashed. Resultantly, the entire criminal proceeding arising out of the aforesaid case, against these petitioners, stands set aside.

18. The present Criminal Miscellaneous Application is, accordingly, 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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