IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3371 of 2018

Arising Out of PS. Case No.-2425 Year-2015 Thana- WEST CHAMPARAN COMPLAINT District- West Champaran

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1. Jamil Ahmad Son of Late Saharuddin, Resident of Village Telpur, P.S. Lauriya, District West Champaran.
2. Junaid Ahmad @ Junaid Alam Son of Late Sheikh Bari, Resident of Village Bagahi Deoraj, P.S. Lauriya, District West Champaran.
3. Husne Ara Khatoon @ Husne Ara Begum Wife of Junaid Ahmad, Daughter of Jamil Amhad.
4. Roshan Ara Daughter of Jamil Ahmad, Wife of Md. Faiyaz,
Both Resident of Village-Manguraha, P.S. Ramnagar, District West Champaran.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Hena Shabnam Wife of Aurangzeb, Daughter of Farmood Alam, Resident of Village- Bagahi Deoraj, P.S. Lauriya, District West Champaran.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

9 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 invoking the inherent jurisdiction of this Court for quashing the order dated 10.03.2016 passed in Complaint Case No. 2425 C of 2015 (S.C. No. 985 of 2016) by the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran (hereinafter referred to as

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‘Magistrate’), wherein the learned Magistrate took cognizance of the offences punishable under Section 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act, 1961 against the petitioners herein, who are in-laws of the O.P. No.2, and against husband of O.P. No.2.

3. Brief facts of the case, as emerging from the record, are that O.P. No. 2 filed Complaint Case No. 2425 C of 2015 on 28.10.2015 before the Court of learned Chief Judicial Magistrate, Bettiah, alleging that she was married to Aurangzeb (co-accused) on 14.03.2012 and, after some time of the marriage, she was subjected to cruelty on account of demand of dowry, particularly a Bolero vehicle. It has been alleged that upon failure of her parental side to meet the said demand, she was subjected to physical and mental torture by her husband and his family members. Further allegation is that certain amounts were forcibly taken from her side and she was threatened with dire consequences, including remarriage of her husband. It is further alleged that on 27.10.2015, at about 8:00 A.M., she was assaulted by the accused persons and an attempt was made to administer poison to her, which she somehow resisted, and thereafter she was ousted from her matrimonial home along with her children.

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4. Upon perusal of the materials available on record, including the complaint petition, the statement of O.P. No. 2 recorded on solemn affirmation and the statements of the inquiry witnesses, the learned Magistrate found a *prima facie* case and accordingly took cognizance of the offences punishable under Section 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act against the petitioners as well as the husband of O.P. No. 2, and summoned them to face trial *vide* the impugned order dated 10.03.2016.

5. Aggrieved by the said impugned order of cognizance dated 10.03.2016, the petitioners have preferred the present application seeking quashing of the same by invoking the inherent jurisdiction of this Court.

6. Learned counsel for the petitioners submits that the impugned order of cognizance is wholly mechanical and has been passed without proper application of judicial mind. It is submitted that the petitioners, who are relatives of the husband, have been roped in the present case on the basis of vague, general and omnibus allegations without attributing any specific overt act to them. Learned counsel further submits that no concrete or specific instance of cruelty or demand of dowry has been alleged against these petitioners, and the allegations made

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in the complaint petition are sweeping in nature, which do not satisfy the essential ingredients of the offence under Section 498A of the Indian Penal Code or Section 4 of the Dowry Prohibition Act.

7. Learned counsel for the petitioners further submits that the continuation of the criminal proceeding against the petitioners would amount to abuse of the process of the Court, particularly when the dispute appears to be a matrimonial discord which has been given a criminal colour with *mala fide* intention. He submits that the married sisters-in-law and other relatives have been unnecessarily implicated only to harass the entire family. It is submitted that the present case squarely falls within the parameters laid down 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 therefore, the impugned order is liable to be quashed in exercise of inherent jurisdiction to secure the ends of justice.

8. Learned APP for the State opposes the prayer for quashing and submits that from the complaint petition and the materials collected during inquiry, a *prima facie* case is made out against the petitioners. He submits that the learned Magistrate has rightly taken cognizance and, at this stage,

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interference under Section 482 Cr.P.C. is not warranted.

9. Despite valid service of notice and sufficient opportunities having been granted, no one has appeared on behalf of O.P. No. 2 to contest the present application, and the matter is accordingly being considered in her absence.

10. Having considered the rival submissions and on examination of the record, it is trite that the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure is to be invoked with great caution and only to prevent abuse of the process of the Court or to secure the ends of justice. At the stage of cognizance, the Court is required to ascertain whether the allegations, taken at their face value, disclose the commission of any offence and not to undertake a detailed evaluation of the evidence or its reliability. Nonetheless, where the allegations are general in nature, lack specific particulars, or fail to constitute the essential ingredients of the alleged offence, this Court would be justified in exercising its inherent powers to quash such proceedings.

11. 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

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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.

12. 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*

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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*

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> *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.**"***

13. 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***

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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)

14. Upon careful examination of the complaint petition, the statement of O.P. No. 2 on solemn affirmation and the statements of the inquiry witnesses, it appears that the core allegation of demand of dowry, particularly the demand of a Bolero vehicle, is primarily directed against the husband. So far as the present petitioners are concerned, the allegations are largely general, omnibus and sweeping in nature without specifying any particular date, time or specific overt act attributable to each of them. The materials on record do not disclose any distinct role played by these petitioners so as to *prima facie* constitute the ingredients of the alleged offences against them.

15. It further transpires that petitioner nos. 3 and 4 are sisters-in-law residing separately, and petitioner no. 2 is the brother-in-law (*bahnoi*), who does not ordinarily share the same household, thereby making their direct involvement in the

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alleged day-to-day acts of cruelty inherently doubtful. The allegations regarding assault and attempt to administer poison also lack specific attribution against the individual petitioners and appear to be exaggerated and generalized. In such circumstances, the implication of all the family members, in absence of specific allegations, indicates a tendency to rope in the entire family, which casts serious doubt on the sustainability of the criminal proceeding against these petitioners.

16. It is well settled that the inherent jurisdiction of the High Court under Section 482 Cr.P.C. is to be exercised to prevent abuse of the process of the Court and to secure the ends of justice. In ***Bhajan Lal (supra)***, the Hon'ble Supreme Court has laid down illustrative categories wherein criminal proceedings can be quashed, including cases where the allegations made in the complaint, even if taken at their face value, do not constitute any offence or where the proceedings are manifestly attended with mala fide and instituted with an ulterior motive for wreaking vengeance. The present case, in the considered opinion of this Court, falls within the said parameters inasmuch as the allegations against the petitioners are vague and omnibus without any specific material to proceed against them.

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17. Accordingly, in view of the discussions made hereinabove and having regard to the facts and circumstances of the case as well as the settled legal position, this Court is of the considered opinion that the continuation of the criminal proceeding against the present petitioners would amount to abuse of the process of the Court. The impugned order of cognizance dated 10.03.2016, so far as it relates to the petitioners, is not sustainable in the eyes of law and is, therefore, liable to be quashed.

18. Resultantly, the impugned order dated 10.03.2016 passed in Complaint Case No. 2425 C of 2015 (S.C. No. 985 of 2016) by the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, is hereby quashed so far as the present petitioners are concerned.

19. The present Criminal Miscellaneous Application, accordingly, stands allowed.

20. Let a copy of this order be communicated to the Court concerned forthwith for needful.

(Sunil Dutta Mishra, J)

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