

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73692 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- MAHILA PS District- Aurangabad

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1. SARITA SINGH @ SARITA DEVI W/o Jai Prakash Singh R/o Village- Kala Pahad, P.S.- Tandwa, Distt- Aurangabad.
 2. JAI PRAKASH SINGH S/o Late Ram Lakhan Singh R/o Village- Kala Pahad, P.S.- Tandwa, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. KHUSHBU KUMARI W/o Mohit Kumar R/o Village- Kala Pahad, P.S.- Tandwa, Distt- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 30-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present application has been filed to quash the order dated 03-11-2022 passed by the learned learned Sub Divisional Judicial Magistrate, Aurangabad in Aurangabad Mahila P.S. Case No. 02 of 2022 whereby and whereunder, the learned Sub Divisional Judicial Magistrate, Aurangabad has been pleased to take cognizance for the offence punishable under Sections-341/323/504/506/498A/34 of the Indian Penal Code and Sections-3 & 4 of Dowry Prohibition Act, 1961.

3. Learned counsel for the petitioners fairly conceded



that the case was filed against the order taking cognizance but presently, charges have been framed in this case. Counsel for the opposite party No. 2 informs the court that though charges have been framed in the year, 2025 but till date, no evidence has been recorded. He relied upon the judgment of Anand Kumar Mohatta to assert that the court can interfere at any stage of the case in exercise of jurisdiction under Section-482. The petitioners are mother-in-law and father-in-law of the complainant.

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. From bare perusal of the FIR, it transpires that the dispute is between husband and wife. The son of the petitioners had gone to attend official assignment at Germany for a period of one year but due to the eccentric behaviour of the informant, he has to return back to India. It also appears that except general and omnibus allegation, there is nothing against the petitioners.

6. Considering the aforesaid facts and circumstances as also taking into consideration the judgment referred above, I quash the order dated 03-11-2022 passed by the learned Sub Divisional Judicial Magistrate, Aurangabad in Aurangabad Mahila P.S. Case No. 02 of 2022 as against the petitioners only.

7. Accordingly, the present application is *allowed*.

(Ansul, J)

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