

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41858 of 2018

Arising Out of PS. Case No.-100 Year-2016 Thana- BELSAND District- Sitamarhi

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1. Shushila Devi, Wife of Sikandar Singh.
 2. Rekha Devi, Wife of Dharmendra Singh.
 3. Dharmendra Singh @ Dharmendra Kumar Singh, Son of Sikandar Singh,
 4. Abhimanyu Singh @ Chhote Babu, Son of Sikandar Singh, All R/o Village-
Dumra, P.S.- Belsand, Dsitirct- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi, Wife of Hemendra Kumar, R/o Manikchawk, P.S.-
Runisaidpur, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Sri Ram Anurag Singh, APP
For the O.P. No.2	:	Mr. Puspendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

8 12-05-2026 Learned counsel for the petitioners seeks permission to withdraw the quashing application with respect to petitioner no. 4, namely, Abhimanyu Singh @ Chhote Babu.

2. Permission is accorded.

3. Accordingly, the present quashing application with respect to petitioner no. 4, namely, Abhimanyu Singh @ Chhote Babu is dismissed as withdrawn.

4. Heard learned counsel for the petitioner nos. 1 to 3 and the learned counsel for the O.P. No.2 as well as learned APP for the State.



5. The present application is filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter will be referred to as Cr.P.C.) for quashing the order dated 11.04.2017 passed by the Court of the learned S.D.J.M., Sadar, Sitamarhi (hereinafter will be referred to as “Magistrate”) in connection with Belsand P.S. Case No. 100 of 2016, wherein the learned Magistrate took cognizance of the offence under Sections 323, 498A, 354, 341 read with Section 34 of the Indian Penal Code, 1860 against the petitioners, who are in-laws of the daughter of O.P. No.2.

6. Factual matrix giving rise to the present case is that the marriage of the daughter of O.P. No.2 was solemnized with Abhimanyu Singh @ Chhote Babu on 29.05.2011 in accordance with Hindu rites and customs. It is alleged that sufficient dowry was given at the time of marriage and after vidagri she started living at her matrimonial house wherein she was blessed with a female child from the wedlock. It is further alleged that the accused persons (petitioners herein) started torturing on the pretext of demand of dowry especially a vehicle and a sum of Rs. 1 lakh. Being oppressed and vexed by the torture and cruelty by her in-laws, she started living at her parental house wherein she tried to settle the dispute but the accused persons



(petitioners herein) vehemently denied any settlement until their demand is fulfilled. On the basis of the aforesaid allegation, informant (O.P. No. 2) who is mother of the victim got registered an F.I.R. bearing Belsand P.S. Case No. 100 of 2016 under Sections 341, 498A read with Section 34 of the Indian Penal Code. Upon investigation, the police submitted charge-sheet.

7. Upon perusal of the materials available on record, learned Magistrate took cognizance of the offence under Sections 341, 323, 498A, 354 read with Section 34 of the Indian Penal Code against the four accused persons (petitioners herein) namely Sushila Devi (petitioner no.1), Rekha Devi (petitioner no.2), Dharmendra Singh @ Dharmendra Kumar Singh (petitioner no.3) and Abhimanyu Singh @ Chhote Babu (petitioner no.4). Being aggrieved by the aforesaid impugned order of cognizance dated 11.04.2017 passed by the learned Magistrate, the petitioners have preferred the present Criminal Miscellaneous Application before this Court.

8. Learned counsel for the petitioner nos.1 to 3 submits that the present prosecution is wholly malicious and has been instituted only with an oblique motive to harass the family members of the husband. He submits that except petitioner no.



4, who was the husband of the victim, has already withdrawn the present application, the remaining petitioners are mother-in-law, *gotini* and *bhaisur* of the victim against whom only vague, general and omnibus allegations have been levelled in the F.I.R. without attributing any specific overt act. Learned counsel further submits that the marriage was solemnized in the year 2011 and the couple lead conjugal life for several years and gave birth to a female child, which itself demonstrates that the relationship between the parties remained cordial for a considerable period of time. It is submitted that the allegations regarding assault and torture are absolutely concocted and no independent material has surfaced during investigation to substantiate the same.

9. Learned counsel further submits that the victim was under psychiatric treatment at Muzaffarpur and Ranchi during the relevant period and she had been suffering from mental illness since prior thereto, which is evident from the medical prescriptions on the record. Learned counsel next submits that pursuant to the direction of the learned Magistrate, inquiry was conducted by the Mahila Help Line, Sitamarhi in Misc. Case No. 3 of 2017, wherein the victim herself disclosed that she had been treated properly by her in-laws and the inquiry report



further records that on several occasions she had behaved violently and even attempted to harm herself and her child. It is also submitted that petitioner nos. 2 and 3 are separate in mess and despite that they were taking care of the minor daughter of the victim. On the strength of the aforesaid facts, learned counsel submits that continuance of the criminal proceeding against the petitioner nos.1 to 3 would amount to abuse of the process of the Court and the impugned order taking cognizance is fit to be quashed.

10. Learned counsel for O.P. No.2 supports the impugned order and submits that the learned Magistrate has rightly taken cognizance of offence after considering the materials available on record which does not warrant any interference by this Court.

11. Learned APP for the State fairly submits that the petitioner nos.1 to 3 are relatives of the husband of daughter of the O.P. No.2, therefore, appropriate order may be passed in the facts and circumstances of the present case.

12. Having heard learned counsel for the parties and upon perusal of the materials available on record, this Court finds that the present application has been preferred for quashing of the order taking cognizance as well as the entire



criminal proceeding in exercise of inherent jurisdiction under Section 482 of the Cr.P.C. It is well settled that the inherent power of the High Court under Section 482 Cr.P.C. is of wide amplitude and is required to be exercised sparingly, carefully and with great caution so as to prevent abuse of the process of the Court or otherwise to secure the ends of justice. At the same time, where the allegations made in the F.I.R. and the materials brought on record do not disclose the essential ingredients of the alleged offences or where continuation of the criminal proceeding would amount to misuse of the judicial process, the High Court would be justified in exercising its inherent jurisdiction for quashing of the proceeding.

13. It is further well settled that in cases arising out of matrimonial disputes involving offences under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, the inherent power of quashing is to be exercised with due care and caution. The Court is required to examine whether the allegations made in the complaint petition, if taken on their face value, *prima facie* constitute the ingredients of the offences alleged. However, where the allegations are found to be vague, omnibus and general in nature without any specific attribution of overt act against the accused



persons, particularly against the relatives of the husband, continuation of the criminal proceeding would amount to abuse of the process of law. The Hon'ble Supreme Court in catena of decisions has repeatedly cautioned against the tendency of implicating all family members of the husband in matrimonial disputes without disclosing their specific role in the alleged occurrence.

14. 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.”

15. Similarly, 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)

16. Upon consideration of the allegations levelled in the FIR, this Court finds that except petitioner no. 4, the husband of the victim who has already withdrawn the present application, the remaining petitioners are the mother-in-law, *gotini* and *bhaisur* of the victim. So far as these petitioners are concerned, the allegations made in the written report are general and omnibus in nature and no specific overt act has been attributed to them so as to *prima facie* constitute the offences alleged. It further appears that the marriage between the parties was solemnized in the year 2011 and the victim continued in her matrimonial house for several years and a female child was also born out of the wedlock. The F.I.R. has admittedly been instituted by the mother of the victim and not by the victim herself.

17. This Court further finds from the materials brought on record that the petitioner nos.1 to 3 have annexed prescriptions indicating that the victim was under medical treatment during the relevant period of the alleged occurrence. Moreover, the inquiry report submitted by the Mahila Help Line, Sitamarhi pursuant to the direction of the learned



Magistrate reflects that the victim herself had disclosed before the authority concerned that she was being treated properly by her in-laws. The report further indicates that petitioner nos.2 and 3 were residing separately in mess and were also taking care of the minor daughter of the victim. Though the truthfulness of such defence materials cannot be conclusively adjudicated in a proceeding under Section 482 Cr.P.C., the same cannot be completely ignored while examining whether continuation of the criminal proceeding against the present petitioners would amount to abuse of the process of the Court.

18. This Court also notices that no specific material has been brought on record during investigation to distinguish the role of the petitioner nos.1 to 3 from the general allegations made in the F.I.R. In matrimonial disputes, it is now well settled that the tendency to implicate all family members of the husband without specific allegations has repeatedly been deprecated by the Hon'ble Supreme Court. In the facts and circumstances of the present case, continuation of the criminal proceeding against the remaining petitioners appears to be an unnecessary prolongation of criminal prosecution without sufficient *prima facie* material against them.

19. In the aforesaid facts and circumstances, this



Court finds that the present case squarely falls within the categories illustratively 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*, particularly where the allegations made in the F.I.R. are so general and omnibus in nature that no prudent person can reach a just conclusion regarding commission of offence by the present petitioners and where continuation of the criminal proceeding would amount to abuse of the process of the Court. The materials available on record, especially the absence of specific allegations against the remaining petitioners coupled with the inquiry report of the Mahila Help Line, persuade this Court to hold that allowing the prosecution to continue against these petitioners would not serve the ends of justice.

20. Accordingly, the order dated 11.04.2017 passed in connection with Belsand P.S. Case No. 100 of 2016 by the learned S.D.J.M., Sadar, Sitamarhi, so far as it relates to the present petitioner nos.1, 2 and 3, is hereby set aside. Consequently, the entire criminal proceeding arising out of the aforesaid case, including the order taking cognizance against the petitioner nos. 1, 2 and 3 stands quashed.

21. The application is, accordingly, allowed to the



aforesaid extent.

22. Since petitioner no.4 has withdrawn the present application, this order shall not prejudice or affect the criminal proceeding pending against him and the learned Magistrate shall proceed in accordance with law so far as petitioner no.4 is concerned.

23. Let a copy of this order be communicated to the court concerned forthwith for needful.

(Sunil Dutta Mishra, J)

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