

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85158 of 2023

Arising out of PS. Case No.-925 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Afreen Samad W/o Fahad Makhdumi R/o Flat No. 101 Nayeeralam Campus Samanpura, P.S- Shastrinagar, Distt.- Patna.
2. Md. Yusuf Samad S/o Late Md. Aftab Ahmad Mallick R/o Flat No. 101 Nayeeralam Campus Samanpura, P.S- Shastrinagar, Distt.- Patna.
3. Md. Aftab Ahmad Mallick S/o Late Enamus Samad R/o Flat No. 101 Nayeeralam Campus Samanpura, P.S- Shastrinagar, Distt.- Patna.
4. Mosrrat Jahan W/o Md. Aftab Ahmad Mallick R/o Flat No. 101 Nayeeralam Campus Samanpura, P.S- Shastrinagar, Distt.- Patna.
5. Md. Sayeed @ Md. Sayeed Manzar S/o Late Majhar Khan R/o Block No.-5, Sapna Apartment Bari Path, P.S- Pirbahor, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi, Sr. Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 01-05-2026

Heard Mrs. Archana Sinha, learned senior counsel for the petitioners and Mr. Umesh Lal Verma, learned Additional Public Prosecutor for the State.

2. Petitioners seek quashing of the FIR of Shastri Nagar P.S. Case No. 925 of 2022 dated 25.12.2022 arising out of Complaint Case No. 14894 of 2022 instituted for the offences under Sections 341, 323, 342, 307, 504 and 506 IPC.



3. The case of the complainant was that when he went to meet his wife and son he was assaulted by the accused persons. Those accused persons are the petitioners.

4. Mrs. Archana Sinha, learned senior counsel for the petitioners submits that the Petitioner No. 1 is the wife of the complainant, Petitioner No. 2 is the brother-in-law, Petitioner No. 3 is father-in-law, Petitioner No. 4 is mother-in-law of the complainant and Petitioner No. 5 is Mediator of the marriage. She further submits that the present case has been filed in retaliation. The complainant was married to the Petitioner No. 1 on 12.10.2020 and due to his torture she lodged the case being Mahila P.S. Case No. 152 of 2022 under Section 498A/34 IPC and Section 3/4 of Dowry Prohibition Act against the husband. In his over anxiety to counter the allegations of the petitioner No. 1, the husband of the complainant lodged the instant frivolous case with completely *mala fide* intentions. Learned senior counsel for the petitioners has informed that the matter was settled and the marriage was dissolved in view of the judgment dated 03.11.2024 passed by *Darul Quaza Imarat Shariah*, Phulwari Sharif, Patna. A copy of the judgment of divorce dated 03.11.2024 provided by learned senior counsel is kept on record.



5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the order of the FIR of Shastri Nagar P.S. Case No. 925 of 2022 arising out of Complaint Case No. 14894 of 2022.

6. In such view of the matter, the present prosecution is nothing but an abuse of the process of the Court in view of Hon'ble Supreme Court decision rendered in the case of **State of Haryana vs. Chaudhary Bhajan Lal and Ors.** reported in **AIR 1992 SC 604**. Moreover, in the case of **Abhishek vs. State of Madhya Pradesh** reported in **[2023 SCC Online SC 1083]** Hon'ble the Supreme Court in Paragraph Nos. 13 to 16 has held as under:-

“(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.

7. Resultantly, the FIR of Shastri Nagar P.S. Case No.

925 of 2022 dated 25.12.2022 arising out of Complaint Case No.



14894 of 2022 instituted for the offences under Sections 341, 323, 342, 307, 504 and 506 IPC is quashed so far as the petitioners are concerned.

8. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

