

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.466 of 2024

Arising Out of PS. Case No.-504 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Binod Singh @ Bindeshwari Chandrabanshi @ Binod Chandrabanshi Son Of Late Tapeswari Chandrabanshi Village- Bindu Bigaha Po And Ps Haider Nagar District Palamu Jharkhand
 2. Smt. Sushila Devi @ Smt. Sushila Devi Wife Of Bindeshwari Chandrabanshi @ Binod Chandravanshi Village- Bindu Bigaha Po And Ps Haider Nagar District Palamu Jharkhand
 3. Priyanka Kumari Daughter Of Bindeshwari Chandrabanshi @ Binod Chandrabanshi Village- Bindu Bigaha Po And Ps Haider Nagar District Palamu Jharkhand
 4. Punam Gupta @ Punam Devi Wife Of Madan Gupta Resident Of B-11, Ankur Bihar, D.L.F. Ankur Biarh, Ghaziabad, City North East Delhi, P.S. Karawal Nagar, North East Delhi, Mo-4, Gali No.2 Chauhan Patti, Ps- Sonia Bihar, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Asha Devi Wife Of Ravindra Chandrabanshi Resi Vill- Po-Panssar, Ps- Karakat(Gorai), Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar, Adv.
For the informant	:	Ms. Usha Kumari, Adv.
		Mr. Kanhaiya Pandey, Adv.
For the State	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-01-2026 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the O.P. No. 2 and learned A.P.P. for the State.

2. The petitioners have made the following prayer in this application :-

“That this is an application for



quashing / declaring the order dated 31.01.2020 passed in Complaint Case No. 504/2019 by which the Additional Chief Judicial Magistrate, Bikramganj, Rohtas issued summon to the petitioners saying offence under Sections 498(A) of the I.P.C and 3/4 of the Dowry Prohibition Act is prima facie made out against them”

3. The allegation against the petitioners is that they all including the husband of the O.P. No. 2 had been demanding dowry immediately after marriage and they were pressurizing her to bring Rs. 2,00,000/- from her father. It has further been alleged that all the accused persons used to insult and abuse the complainant on various occasions and thereafter she was ousted from the house.

4. Learned counsel for the petitioners submit that the petitioner nos. 1, 2 and 3 are the father-in-law, mother-in-law and the sister-in-law of the O.P. No. 2 while the petitioner no. 4 has no concern with the family of the petitioner nos. 1 to 3. It has next been submitted that the petitioners have falsely been implicated with general and omnibus allegation and from bare



perusal of the complaint case, it would be evident that barring few lines with regard to general nature of allegation of demand of dowry no specific allegation has been made against the petitioners especially the petitioner nos. 3 and 4. Learned counsel for the petitioners points out that the Hon'ble Supreme Court has come down very heavily on such cases where the entire family members of the husband of the complainant/victim has been made accused in such matrimonial dispute without there being any specific allegation of overt act alleged against them. The Hon'ble Supreme Court has taken strong objection to the action of the trial court also in taking cognizance against those relatives of husband and passes orders mechanically without verifying the evidence with regard to the allegation levelled against the accused persons, especially immediate relative or otherwise. Learned counsel further submits that the issuance of summon against the petitioner vide order dated 31.01.2022 after taking cognizance under Section 498(A) of the I.P.C. and Sections 3/4 of the D.P. Act does not confirm to the various judicial pronouncements. It would be evident that the same has been passed without application of judicious mind.

5. The learned counsel for the petitioners relies upon



the judgment delivered by the Hon'ble Supreme Court in the case of ***Geeta Malhotra and Anr. vs. State of Uttar Pradesh and Ors.*** reported in ***(2013) 1 PLJR (SC) 10*** wherein the Hon'ble Supreme Court taking note of the fact that FIR disclosing mere casual reference of names of the brother, sister and family members in a matrimonial dispute without any allegations of their active involvement in the offence is not sufficient for taking cognizance. The Hon'ble Supreme Court further noted that when tendency is to rope in the entire family members in a matrimonial disputes such proceedings are liable to be quashed. Learned counsel for the petitioner submits that allegations in the present case are general and omnibus.

6. Learned counsel appearing on behalf of the O.P. No. 2 has vehemently opposed saying that there is certain allegation levelled against the petitioners. However, it is not disputed that the allegations are general and omnibus in nature.

7. Upon hearing the learned counsel for the parties and taking into account the fact that the allegation levelled against the petitioners are general and omnibus merely because they happen to be close to the husband of the O.P. No. 2 and also taking into account the various judicial pronouncements rendered by the Hon'ble Supreme Court, continuation of the



present proceeding shall amount to abuse of the process of law.

8. This Court is reminded of the various judicial pronouncements made by the Hon'ble Supreme Court and one passed in the case of *Narinder Singh and Ors. vs. State of Punjab and Anr* reported in *(2014) 6 SCC 466*, wherein the Hon'ble Supreme Court has given the guidelines and laid down the principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Cr.P.C., while accepting the settlement and quashing the proceedings and in the alternative refusing to accept the settlement with direction to continue with the criminal proceedings. The Hon'ble Supreme Court further elaborated that when the parties have reached the settlement and on that basis petition for quashing the criminal proceeding is filed, the guiding factor in such cases would be to secure:

(I) ends of justice,

(II) to prevent abuse of the process of any court.

9. The Hon'ble Supreme Court in paragraph 29.4 observed as under:

“29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes



should be quashed when the parties have resolved their entire disputes among themselves.”

10. The Hon’ble Supreme Court in a recent case of ***Mange Ram and Ors. vs. State of Madhya Pradesh and Anr. (2025 INSC 962)***, after referring to the earlier judgments on the issues of family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord has further laid down that continuation of criminal proceedings in a case where the parties have entered into compromise, even if the case is of non-compoundable offences, especially in matters of matrimony, it would only be an exercise in futility and the justice demands that the dispute between the parties is put to an end and peace is restored.

11. In the case of ***Gian Singh vs. State of Punjab*** reported in ***(2012) 10 SCC 303***, the Hon’ble Supreme Court has held that the High Court invoking its inherent power may quash the criminal proceedings if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and if the criminal proceedings are not quashed, justice shall be casualty and ends of justice shall be defeated.

12. The Hon’ble Supreme Court in the case of ***Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr.*** reported in ***(2025) 4 SCC 78*** has observed that in a case where



the parties have amicably settled their dispute the proceeding with the trial would be futile and it would be a grave abuse of process of law if the proceedings are not quashed.

13. In view of the aforesaid facts and circumstances, Order taking cognizance and the continuation of the criminal proceeding as far as the petitioners are concerned, would amount to abuse of the process of law.

14. Accordingly, the present Cr. Miscellaneous is allowed. The order dated 31.01.2020 passed by the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, in Complaint Case No. 504/2019, is hereby quashed.

(Sourendra Pandey, J)

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