IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3585 of 2023

1. Amardeep Singh @ Amardeep, aged about 30 years, son of Sanjay Singh
2. Niraj Devi, aged about 55 years, wife of Sanjay Singh
3. Sanjay Singh @ Sanjay Kumar, aged about 57 years, son of Ramashish Singh
4. Anjali Singh @ Anjali Kumari, aged about 31 years, wife of Amardeep Singh, All resident of Red Cross Road, Adampur, Jagdamba Market, P.O. & P.S. –Admpur, District –Bhagalpur (Bihar).

.... Petitioners

Versus

1. The State of Jharkhand
2. Shristy Kumari @ Sannu, daughter of Amit Kumar Choudhary, resident of Vidyanand Apartment, 3rd Floor, Baligum Mango, P.O. & P.S. –M.G.M., Jamshedpur, District –East Singhbhum.

…. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioners : Mr. Manoj Kumar Sah, Advocate
For the State : Mrs. Ruby Pandey, Addl. P.P.
For the O.P. No.2 : Mr. Vishal Kr. Trivedi, Advocate
: Mr. Jai Mohan Mishra, Advocate

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash and set aside the entire criminal proceeding arising out of Complaint Case No. 925 of 2021 including the order dated 12.09.2023, passed by the

Judicial Magistrate -1st Class, Jamshedpur in connection with the said complaint case by which the learned Judicial Magistrate -1st Class, Jamshedpur has found *prima facie* case for the offences punishable under Section 498A/504/506 of the Indian Penal Code and under Section 3/4 of the D.P. Act.

3. The learned counsel for the petitioners files a supplementary affidavit. Keep the same in the record.

4. The brief facts of the case is that the petitioner no.1 is the husband, petitioner no.2 is the mother-in-law, petitioner no.3 is the father-in-law of the complainant –opposite party no.2 and petitioner no.4 is stated to be the wife of the petitioner no.1 in the cause title of the Cr.M.P. but orally it is submitted by the learned counsel for the petitioners that the same is an error of record and in fact the petitioner no.4 is the wife of the elder brother of the petitioner no.1. It is next submitted by the learned counsel for the petitioners that the allegation against the petitioners is that the petitioners have taken dowry of Rs.30,00,000/- is shape of cheque, cash and online transactions from the father of the complainant. After the marriage of the complainant with the petitioner no.1, the petitioners were not satisfied with the dowry they could extract from the father of the complainant and demanded Rs.10,00,000/- more as additional dowry. As the father of the complainant could not meet the said additional dowry demand, the petitioners treated the complainant with cruelty, both mentally and physically. They used to assault her and also threatened to kill her so that the petitioner no.1 can solemnize a second marriage after

the death of the complainant; after taking huge amount of dowry. There is direct and specific allegation against the petitioner nos. 1, 2 & 3 of assaulting the complainant on 02.07.2019 for non-fulfillment of the said dowry demand. The complainant informed the same to her mother and her mother reached the matrimonial house of the complainant and tried to convince the petitioners but all the petitioners were adamant for realization of the additional dowry demand of Rs.10,00,000/- and straightway told that unless the said demand is fulfilled, they will not keep the complainant in her matrimonial house. The petitioners also abused and misbehaved with the mother of the complainant and forcibly driven the mother of the complainant and the complainant from her matrimonial house and did not even allow the complainant to take her belongings. The complainant was treated by a doctor for the injuries caused to her; by the repeated assault made upon her by the petitioners. On the basis of the complainant, statement of the complainant on solemn affirmation and statement of the inquiry witnesses, the learned Judicial Magistrate -1st Class, Jamshedpur found *prima facie* case for the offences as already indicated above.

5. It is submitted by the learned counsel for the petitioners that the allegations against the petitioners are false. The complainant has fled away with another boy and in this regard the father of the complainant lodged a Sanha with the R.T.I. P.S. with respect to the complainant becoming traceless. It is next submitted that the petitioner no.1 has filed Matrimonial Case No. 302 of 2019 in the

Family Court, Bhagalpur on 14.10.2019 which is *sub judice* at present and this complaint has been lodged after receiving the notice of the said Matrimonial Case. It is next submitted that this case has falsely been foisted by the complainant with the view to put pressure on the petitioners and to cause harassment to them. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

6. The learned Additional Public Prosecutor and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer and submits that there is direct and specific allegation against the petitioners of taking dowry of Rs.30,00,000/- and as the greed of the petitioners is not satiated by such dowry demand, making further demand of Additional dowry of Rs.10,00,000/-. It is next submitted that there is also direct and specific allegation of the wilful conduct of the petitioners of such a nature; so as to cause danger to life, limb and both mental and physical health of the complainant and also the petitioners harassed the complainant with a view to coerce her to meet the unlawful dowry demand of Rs.10,00,000/-. It is next submitted that since the opposite party no.2 is very much present before this Court through her lawyer, it is only a character assassination of the opposite party no.2 by the petitioners of taking the plea that the complainant-opposite party no.2 is traceless. It is next submitted that the veracity of the documents filed by the petitioners by way of supplementary affidavit is required to be scrutinized by the trial court but the very

appearance of the complainant-opposite party no.2 before this Court is sufficient enough to show the conduct of the petitioners that they can stoop to any low to harass the complainant-opposite party no.2. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

7. Having heard the rival submissions made at the Bar and after going through the materials in the record, this court finds that there is direct and specific allegation against the petitioners of taking dowry at the time of marriage of the complainant with the petitioner no.1. There is also direct and specific allegation against all the petitioners of taking dowry at the time of marriage of the complainant with the petitioner no.1. There is also direct and specific allegation against the petitioners of demanding further dowry of Rs.10,00,000/- and these demands are sufficient enough to constitute the offences punishable under Section 3/4 of the Dowry Prohibition Act. Besides there is also allegation of wilful conduct on the part of the petitioners of such a nature; as is likely to cause danger to the life, limb and both mental and physical health of the complainant. Further, there is also allegation of harassment of the complainant with the view to coerce her to meet the unlawful demand of Rs.10,00,000/- and on account of failure by her and her relatives to meet the such demand of assaulting her causing injuries and threatening her to kill. The presence of the opposite party no.2 in this Court through a lawyer *prima facie* shows that the opposite party no.2 is not traceless as is being claimed by the petitioners and it indicates the effort on the part of

the petitioner of resorting to character assassination of the opposite party no.2.

8. It is a settled principle of law that this Court in exercise of its power under Section 482 of the Cr.P.C. cannot conduct a mini-trial has been reiterated by the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh & Anr. vs. Akhil Sharda & Ors.** reported in **2022 LiveLaw SC 594**, the relevant portion of which reads as under :-

> *" Having gone through the impugned judgment and order passed by the High court has set aside the criminal proceedings in exercise of powers under Section 482 CrPC, it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482CrPC. As observed and held by this court in a catena of decisions, no mini trial can be conducted by the High Court in exercise of power under Section 482CrPC, jurisdiction and at the stage of deciding the application under Section 482CrPC, the High Court cannot get into appreciation of evidence of the particular case being considering. (Emphasis supplied)*

9. It is also a settled principle of law that the defence of the petitioners and the veracity of the evidence put forth by the accused, cannot be considered in exercise of jurisdiction under Section 482 Cr.P.C. by the High Court, as that would be job of the trial court, as has been held by the Hon'ble Supreme Court of India, in the case of **State of Madhya Pradesh vs. Awadh Kishore Gupta & Ors.** reported **in 2004 2 Supreme 501**.

10. In view of the discussions made above, this Court is of the considered view that if the allegations made against the petitioners, are considered to be true in their entirety, the offences punishable under Section 498A of the Indian Penal Code as well

as Section 3/4 of the Dowry Prohibition Act is made out against the petitioners. Hence, this Court is not inclined to accede to the prayer made by the petitioner in this criminal miscellaneous petition.

11. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 27th October, 2026
AFR/Sonu/-

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