IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3518 of 2025
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1. Jamni Devi, aged about – 64 Years, w/o Khirodhar, Sahu, Resident of – Gangutoli Ormanjhi, P.O. – Ormanjhi, P.S. – Ormanjhi, District – Ranchi, Jharkhand.
2. Khirodhar Sahu, aged about – 62 years, S/o Late Lokan Sahu, Resident of – Gangutoli Ormanjhi, P.O. – Ormanjhi, P.S. – Ormanjhi, District- Ranchi, Jharkhand.
3. Geeta Devi, aged about – 43 years, W/o – Ravi Prasad @ Ravi Prasad Sahu, resident of – Durgapuri Road Kokar, P.O. – Ranchi G.P.O., P.S. – Ranchi G.P.O., District – Ranchi, Jharkhand.
4. Neeta Devi, aged about 35 years, w/o Manoj Sahu, resident of – B-12, J.P. Market, P.O. + P.S. – Dhurwa, District – Ranchi, Jharkhand.
5. Ravi Prasad @ Ravi Prasad Sahu, aged about – 53, S/o Late Laxman Prasad Sahu, Resident of – Durgapuri Road Kokar, P.O. – Ranchi G.P.O., P.S. – Ranchi G.P.O., District – Ranchi, Jharkhand.

… Petitioners

Versus

1. The State of Jharkhand
2. Gunja Kumari, D/o Late Krishna Sahu, W/o Aditya Kumar, Resident of – Jailkhana Kutmu, P.O. – Nangini, P.S. – Lohardaga, District – Lohardaga, Jharkhand.

… Opposite Parties

For the Petitioners : Mr. Anil Kumar, Sr. Advocate
Mr. Priyanshu Nilesh, Advocate
Mr. Bipin Bihari, Advocate

Mr. Bhaskar Trivedi, Advocate
Mr. Gaurav Kumar, Advocate
Ms. Shipra Sonam, Advocate
For the State : Mr. Abhay Kr. Tiwari, Addl.P.P.
For the O.P. No.2 : Md. Altamash Khan, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:-

I.A. No. 13178 of 2026

1. Heard the parties.
2. Learned senior counsel for the petitioners submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.
3. Since hearing of this Criminal Miscellaneous Petition is being taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.3518 of 2025

1. Heard the parties.
2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with following prayers:-
   (i) to quash the entire criminal proceeding including the First Information Report in Lohardaga (Mahila) P.S.

Case No. 14 of 2024 corresponding to G.R. Case No. 310 of 2025 of the court of the learned Chief Judicial Magistrate, Lohardaga;

(ii) to quash the charge sheet No.24 of 2025 submitted in Lohardaga (Mahila) P.S. Case No. 14 of 2024 corresponding to G.R. Case No. 310 of 2025;

(iii) to quash the cognizance order dated 21.08.2025 passed by the learned Chief Judicial Magistrate, Lohardaga in the said case by which cognizance has been taken by the learned Chief Judicial Magistrate, Lohardaga *inter alia* against the petitioners of the offences punishable under Sections 498A, 323, 504, 506/34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act;

(iv) to quash the order dated 01.07.2026 passed by the learned Chief Judicial Magistrate, Lohardaga in the said case by which charges has been framed *inter alia* against the petitioners of the offences punishable under Sections 498A, 323, 504, 506/34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act in the said case;

3. The allegation against the petitioners is that the petitioners were the persons who were involved in perpetrating cruelty and ill-treatment to the informant. The allegation made in the First Information Report is that consequent upon the marriage

of the informant with her husband who is the son of the petitioner No.1 & 2 and the brother of the petitioner No.3 & 4 and brother-in-law of the petitioner No.5 as per the social rites and rituals, continuously demand for the dowry was made and the informant was tortured mentally and physically. The husband of the informant used to come to the house after taking liquor and used to quarrel with the informant without any reason and also used to drop the informant at her paternal house from time to time and when the informant informed the same to the petitioner No.3 & 5, they told the informant to mend herself. Ultimately, the husband of the informant sent a notice for dissolution of the marriage between the informant and the husband of the informant; in which, several allegations were made against the informant.

4. On the basis of the written report submitted by the informant, police registered Lohardaga (Mahila) P.S. Case No. 14 of 2024 and took up investigation of the case and after completion of the investigation, submitted charge sheet *inter alia* against the petitioners for having committed the offences punishable under Sections 498A, 323, 504, 506/34 of the Indian Penal Code as well as under Sections 3, 4 of the Dowry Prohibition Act. Basing upon which, the learned Chief Judicial Magistrate, Lohardaga took cognizance of the said offences and later on, framed the charges.

5. At the outset, the learned senior counsel for the petitioners submits that no witness has been examined in this case as yet and the case is next fixed to 23rd September, 2026 for evidence.

6. Learned senior counsel for the petitioners relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Digambar & Another vs. State of Maharashtra & Another** reported in **2024 SCC OnLine SC 3836** and submits that therein in the facts of that case, when there was no specific role or allegation was levelled on either of the appellants before the Hon'ble Supreme Court of India and no specific incident of physical or mental cruelty has been mentioned, the Hon'ble Supreme Court of India in para-19 of that judgment held that a mere omnibus statement having been made that the physical and mental cruelty was afflicted and in that case, the Hon'ble Supreme Court of India relied upon its own judgment in the case of **Dara Lakshmi Narayana & Others vs. State of Telangana & Another** reported in **2024 SCC OnLine SC 3682**, wherein it was held that a mere reference to the names of the family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud and in para-27 of the judgment of **Dara Lakshmi Narayana & Others vs. State of Telangana & Another** (supra), the Hon'ble Supreme Court of India observed that it is a well recognized fact, borne out of judicial experience that there is often a tendency to implicate all

the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Therefore, the Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members and finding the facts of the case of **Digambar & Another vs. State of Maharashtra & Another** (supra) to be similar of the facts of the case of **Dara Lakshmi Narayana & Others vs. State of Telangana & Another** (supra), considering the vague allegations of cruelty levelled by the complainant against the relative of the husband as a retaliatory measure intended to settle score, the Hon'ble Supreme Court of India quashed the entire criminal proceeding against the appellants of that case.

7. It is then submitted that in the case of **Digambar & Another vs. State of Maharashtra & Another** (supra), the Hon'ble Supreme Court of India also relied upon its own judgment in the case of **Jayedeepsinh Pravinsinh Chavda vs. State of Gujarat** reported in **2024 SCC OnLine SC 3679;** in para-11 of which, the Hon'ble Supreme Court of India has held that in the context of Section 498A of the Indian Penal Code, that 'cruelty' simpliciter is not enough to constitute the offence punishable under Section 498A of the Indian Penal Code rather it must be done either with the

intention to cause grave injury or to drive her to commit suicide or with intention to coercing her or her relatives to meet unlawful demands.

8. Learned senior counsel for the petitioners next relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Sanjay D. Jain & Others vs. State of Maharashtra & Others** reported in **2025 Supreme (SC) 1747** and submits that therein in para-9, it has been observed by the Hon'ble Supreme Court of India that vague and general allegations cannot lead to forming of a *prima facie* case as regards the ingredients for making out an offence punishable under Section 498A of the Indian Penal Code, the requirement is that there must be cruelty inflicted against the victim which, either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health.

9. Learned senior counsel for petitioners further submits that admittedly, the First Information Report has been lodged after receiving notice for dissolution of the marriage between the husband of the informant and the informant and from the tone and tenor of the First Information Report, the main grievance of the informant is against her husband who used to come to her in inebriated condition and also used to assault her. It is next submitted that there is no specific quantum or detail of the dowry ever demanded by anyone mentioned in the First Information Report and there is no instance against any of the

petitioners of perpetrating any cruelty upon the informant rather at the bottom of the FIR are general allegations has been made that the following persons mentioning the name of the petitioners were also treating the informant with cruelty. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

10. Learned Addl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in this Criminal Miscellaneous Petition and submit that the allegations made in the First Information Report and the materials collected during the investigation of the case including the charge sheet, if are considered to be true in their entirety, then all the offences in respect of which charges has been framed *inter alia* against the petitioners are, in fact, being made out against the petitioners. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

11. Having heard the submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the Hon'ble Supreme Court of India in the case of **Dara Lakshmi Narayana & Others vs. State of Telangana & Another** (supra), in para-31, took note in the facts of that case, that where as a counter-blast to the petition for dissolution for the marriage sought by the first appellant before the Hon'ble Supreme Court of India who was the

husband of the second respondent therein, a complaint under Section 498A of the Indian Penal Code was lodged by the wife, the same was to be considered as misuse of the provision of Section 498A of the Indian Penal Code.

12. Now coming to the facts of the case, as already discussed above in the foregoing paragraphs of this judgment that the main grievance of the informant is against her husband. Admittedly, the informant and her husband were college-mates as has been mentioned in the First Information Report itself. The main grievance of the informant is that after the marriage, the husband of the informant used to come to her in inebriated condition repeatedly and used to assault her and quarrel with her and ultimately, the informant received notice of the case instituted by her husband for dissolution of their marriage. The only allegation against the petitioner No.3 & 5 is that the informant informed about the conduct of her husband to them but they told the informant to mend herself and the only allegation against them is that they are also the persons who used to torture and treat the informant with cruelty, mentioned at the bottom of the First Information Report in the list of such persons. There is no allegation anywhere that the cruelty was done with intention to cause grave injury or to drive the victim to commit suicide or to inflict injury to her nor is there any allegation that the cruelty was perpetrated for pressurizing the informant to meet any unlawful demand; in fact, it has not even

been specifically mentioned in the First Information Report, as to what was demanded as dowry. It is also the admitted case of the informant that she instituted First Information Report after receiving the divorce notice of her husband in the case instituted for dissolution of the marriage between the informant and her husband.

13. Keeping in view the aforesaid facts and circumstances of the case, in the absence of any specific allegation against any of the petitioners of committing any act or omission which could constitute the offence punishable under Section 498A of the Indian Penal Code or under Section 4 of the Dowry Prohibition Act, particularly in the absence of any specific allegation as to what was demanded by the petitioners by way of dowry, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, still neither the offence punishable under Section 498A/34 of the Indian Penal Code nor the offence punishable under Section 4 of the Dowry Prohibition Act is made out against the petitioners.

14. So far as the offence punishable under Section 323/34 of the Indian Penal Code is concerned, there is no specific allegation against the petitioners of having ever caused any hurt to the informant or anyone else. In fact, the said allegation is specifically made against the husband of the informant. Under such circumstances, this Court is of the considered view that

even if the entire allegations made against the petitioners are considered to be true in their entirety, still the same is insufficient to constitute the offence punishable under Section 323 of the Indian Penal Code even with the aid of Section 34 of the Indian Penal Code.

15. So far as the offence punishable under Section 504/34 of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are as under:-

    i. The accused intentionally insulted someone;
    ii. He thereby intended to give him provocation;
    iii. He knew that it was likely that such provocation was caused the person to commit breach of peace or commit any other offence.

16. Now coming to the facts of the case, there is absolutely no allegation against the petitioners of intentionally insulted with intent to give provocation to the victim. In the absence of the same, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the same is insufficient to constitute the offence punishable under Section 504 of the Indian Penal Code even with the aid of Section 34 of the Indian Penal Code.

17. So far as the offence punishable under Section 506/34 of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are as under:-

i. The accused threatened someone with injury to the person, reputation or property or to the person's reputation or property with whom the victim is connected;
ii. The accused did so with intent to cause alarm to the victim of the offence;
iii. The accused did so to cause the victim to perform any act which he was not legally bound to do or omit to do any act which he was legally entitled to do;

18. Now coming to the facts of the case, in the absence of any allegation of threatening being given by any of the petitioners to the informant or anyone else, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 506 of the Indian Penal Code even with the aid of Section 34 of the Indian Penal Code is not made out against the petitioners.

19. In view of the discussions made above, as none of the offences in respect of which charges has been framed *inter alia* against the petitioners is made out against the petitioners even if the entire allegations made against the petitioners in the First Information Report, in the charge sheet and also the materials which were collected during the trial of the case, are considered to be true in their entirety, this Court is of the considered view that the continuation of the criminal proceeding against the

petitioners will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceeding including the First Information Report in Lohardaga (Mahila) P.S. Case No. 14 of 2024 corresponding to G.R. Case No. 310 of 2025 including the charge sheet No.24 of 2025 of the said case, the cognizance order dated 21.08.2025 passed by the learned Chief Judicial Magistrate, Lohardaga case as well as the order dated 01.07.2026 passed by the learned Chief Judicial Magistrate, Lohardaga in the said case, be quashed and set aside *qua* the petitioners only.

20. Accordingly, the entire criminal proceeding including the First Information Report in Lohardaga (Mahila) P.S. Case No. 14 of 2024 corresponding to G.R. Case No. 310 of 2025 including the charge sheet No.24 of 2025 of the said case, the cognizance order dated 21.08.2025 passed by the learned Chief Judicial Magistrate, Lohardaga as well as the order dated 01.07.2026 passed by the learned Chief Judicial Magistrate, Lohardaga in the said case, is quashed and set aside *qua* the petitioners only.

21. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 17th of September, 2026
AFR/ Saroj

Uploaded on 21/09/2026