

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45526 of 2016

Arising Out of PS. Case No.-2571 Year-2015 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Ritu Kumari, D/o Late Indeshwari Prasad Singh, R/o Mohalla-Laliyahi, P.S.-
Katihar Sahayak, Distt.-Katihar. Permanent Address R/o Village-Sahuriya,
P.S.-Murliganj, Distt.-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Punita Singh @ Pampam, W/o Rajesh Kumar Singh, R/o Mohalla-
Binodpur, P.S.-Katihar, Distt.-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Mandal, Adv.
For the O.P. No.2	:	Mr. Bhola Prasad, Adv.
		Mr. Ashish Bhaskar, Adv.
For the State	:	Mr. J. Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL JUDGMENT

Date : 17-07-2026

Assailing the order dated 02.06.2016 passed by the
learned Sub-Divisional Judicial Magistrate, Katihar (*in short the
S.D.J.M., Katihar*) in C.A. No. 2571 of 2015, whereby the
learned S.D.J.M., Katihar has taken cognizance of the offences
under Section 498A of the Indian Penal Code (*in short the I.P.C.*)
and Section 4 of the Dowry Prohibition Act, 1961 (*in short the*



D.P. Act), the petitioner, who is the cousin (sister) of Rajesh Kumar Singh, the husband of the complainant/opposite party No. 2 has prayed for setting aside the order taking cognizance, terming it to be an outcome of non-application of judicial mind.

2. The factual matrix of the prosecution case in nutshell could be summed up as hereunder:

(i) The complainant/opposite party No. 2, namely, Punita Singh alias Pampam filed a complaint case, bearing No. 2571/2015, in the Court of learned Chief Judicial Magistrate, Katihar on 14.09.2025, alleging torture at the hands of the in-laws at her matrimonial home;

(ii) As per the complaint, the marriage of the complainant/opposite party No. 2 was solemnized with one Rajesh Kumar Singh on 28.06.2010 in accordance with Hindu religious rituals and rights, wherein her parents had gifted Rs. 5,00,000/- in cash, besides gold jewellery worth Rs. 70,000/-, other items worth Rs. 1,50,000/- and household items worth Rs. 10,00,000/-;

(iii) Immediately after the marriage, in her matrimonial home, she was being tortured by the in-laws as named in the complaint petition for insufficient dowry, whereafter the complainant/opposite party No. 2 disclosed this to her parents, who were not allowed to meet the complainant/opposite party No. 2 and, ultimately, in the first week of August, 2010, she was thrown out of her matrimonial home tenuding/depriving her of belongings and ornaments;



(iv) In spite of best efforts of the parents of the complainant/opposite party No. 2, the accused persons did not budge and remained adamant for the dowry;

(v) Ritu Kumari, the petitioner herein, was alleged to be the main owner of the house of the accused persons, who flatly refused to keep the complainant/opposite party No. 2 at her house.

(vi) Forced by the circumstances and compelled by the stern conduct of the accused persons, the complainant/opposite party No. 2 approached the local Police Station for lodging an F.I.R., but, on their refusal, she filed the instant complaint case in the Court of learned Chief Judicial Magistrate, Katihar, wherein four persons, namely, Rajesh Kumar Singh (husband), Vijay Kumar (father-in-law), Rajiv Kumar Singh (brother-in-law) and Ritu Kumari (daughter of Indeshwari Prasad Singh and the cousin of the husband of complainant/opposite party No. 2) have been named as the accused persons.

3. After recording solemn affirmation of the complainant/opposite party No. 2 and deposition of the enquiry witnesses, the learned S.D.J.M., Katihar, to whom the case has been transferred for enquiry and disposal by the learned Chief Judicial Magistrate, Katihar, finding the case *prima facie* only against the husband, the father-in-law and the cousin of the complainant/opposite party No. 2 under Section 498A of the I.P.C. and Section 4 of the D.P. Act, issued processes against



them for their appearance to face the trial.

4. Heard the learned counsel for the petitioner and the learned counsel for the complainant/opposite party No. 2. The State has been represented by the learned Addl. Public Prosecutor.

5. The learned counsel for the petitioner submits that the petitioner is the unmarried cousin of the husband of the complainant/opposite party No. 2 and as such, she has no concern, at all, with the matrimonial life of the complainant/opposite party No. 2 and her husband. On account of death of her father, the uncle of the petitioner, namely, Mr. Vijay Kumar Singh, who is the father-in-law of the complainant/opposite party No. 2, has taken care of her as guardian. He further submits that she has least interaction with the complainant/opposite party No. 2, inasmuch as, after solemnization of marriage on 28.06.2010, the complainant/opposite party No. 2 left her matrimonial home voluntarily out of her free will and volition in the first week of August, 2010, *i.e.*, barely after three months of the marriage.

6. The learned counsel for the petitioner further points out that in the entire complaint, no specific overt act of torture or allegation of any specific kind has been levelled



against the petitioner.

7. It has further been submitted on behalf of the petitioner that the matter was also referred for mediation before the learned Mediator of the Hon'ble Patna High Court *vide* Special Mediation Proceeding No. 199 of 2025, but, the dispute between the parties could not be resolved/settled through the process of mediation, as is evident from the Mediation Report dated 14.10.2025.

8. Hence, the learned counsel for the petitioner prays that the implication of the petitioner is totally uncalled for and smacks of false implication on account of ulterior motive, just to ruin any prospect of her marriage, the expenses of which is to be borne by accused No. 2, *i.e.*, the father-in-law of the complainant/opposite party No. 2.

9. The learned counsel appearing on behalf of complainant/opposite party No. 2, supporting the allegations as detailed in the complaint petition, submits that the petitioner is the main person who instigated and incited the other accused persons to commit atrocities on her, but for her involvement, she could not have been tortured and thrown out of her matrimonial home.

10. The learned Addl. Public Prosecutor for the



State though supported the case of the prosecution, but he fairly admits that in the entire complaint petition except for those four lines as mentioned in the complaint application in the last part of Paragraph-6 of the complaint, no allegation, at all, has been levelled against the petitioner, much less any allegation of torture.

11. After having heard the parties and perused the complaint petition with all the documents appended thereto, it becomes manifestly evident that the petitioner is the unmarried cousin (*Nanad*) of accused No. 1, *i.e.*, Rajesh Kumar Singh, who is the husband of the complainant/opposite party No. 2.

12. In the entire complaint, no specific allegation of any overt act, disclosing or displaying any categorical and specific act of torture or cruelty meted to the complainant/opposite party No. 2, has been enumerated or detailed except for the accusation as made in the last part of Paragraph-6 of the complaint petition, wherein it has been mentioned as follows:-

“..... It is worth to mention here that accused No. 4 Ritu Kumari is main owner of the house of the accused persons who flatly refused to keep the Complainant at her house as the wife of accused No. 1 Rajesh Kumar Singh.”

13. Besides, the aforesaid four lines, there is absolutely no allegation, at all, in the entire complaint petition



nor any of the witnesses including the complainant/opposite party No. 2 has alleged anything specific against the petitioner in their depositions before the learned Court in course of enquiry.

14. The only allegation against the petitioner is that of she being owner of the house, in which all the accused persons resided, did not allow the complainant/opposite party No. 2 to live in the house, which is said to be her matrimonial home save and except the aforesaid allegation, all the allegations are general, omnibus and very vague in nature. Absence of any specific act of cruelty or torture or inhuman behaviour or ill-treatment at the hands of the petitioner to the complainant/opposite party No. 2 does not attract any of the ingredients as mentioned in Section 498A of the I.P.C.

15. Section 498A of the I.P.C. stipulates that whoever being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall attract the punishment. 'Cruelty' has been defined in the *Explanation* of Section 498A of the I.P.C. as follows:

“(a) any willful conduct which is of such a nature which is likely to deprive the woman to commit suicide or to cause grave injury to life, limb or health of such woman and (b) harassing such woman with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuables”



16. The ingredients of Section 4 of the D.P. Act, in the case at hand, does not apply at all because it fails to satisfy the ingredients as mentioned in the aforesaid section.

17. In the case in hand, none of the ingredients as enumerated in Section 498A of the I.P.C. is satisfied in order to show the culpability of the petitioner, who could be alleged to have committed the crime against such woman by resorting to the act of cruelty. However, the perusal of the entire complaint indisputably evince that no torture/cruelty of any kind has been attributed, which could satisfy the test of cruelty as laid down in Section 498A of the I.P.C.

18. On the contrary, the averments made in the complaint petition reflect that within three months of the marriage, the complainant/opposite party No. 2 left her matrimonial home on her own, only citing some differences and demand by all the in-laws, without specifying as to how and in what manner she has been tortured by her in-laws.

19. It is not in dispute that the petitioner is the cousin (sister) of accused No. 1, *i.e.*, the husband of the complainant/opposite party No. 2 and in that capacity, she being the cousin (*Nanad*), who being an orphan herself was residing in the house of her uncle on compassionate ground where accused



No. 2, *i.e.*, the father-in-law of the complainant/opposite party No. 2 was taking care of her. The house in which she has been residing is not her own house rather it was the house of the father-in-law of the complainant/opposite party No. 2.

20. Thus, the entire conspectus of facts, as discussed hereinabove, does not leave an iota of doubt that the allegations against the petitioner is essentially generalized and derivative in character. The complainant/opposite party No. 2 does not disclose any specific or direct act individually attributable to the petitioner, constituting violence, physical abuse, vulgar abuse, emotional abuse or torture or cruelty, so as to bring her conduct within the parameters of the offence as defined under Section 498A of the IPC.

21. For the ideological differences between the husband and the wife with respect to different aspect of life, the petitioner, being the cousin of the husband, residing in the house on compassionate ground, cannot be held to be accountable in any manner for committing any sort of torture upon the complainant/opposite party No. 2.

22. The Hon'ble Supreme Court in no uncertain terms has unequivocally held in series of cases, *viz.*, ***Kahkashan Kausar @ Sonam & Ors. Vs. The State of Bihar & Ors. : (2022) 6 SCC 599*** and ***K. Subba Rao Vs. State : (2018) 14 SCC 452***, that:



“In view of the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused, the Courts should be very careful in proceeding against the distant relatives. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

23. Further, the Hon’ble Supreme Court in case of ***Arti Mehta & Ors. Vs. State of Madhya Pradesh and Anr. : 2026 SCC OnLine SC 933***, while raising concern over the growing tendency amongst the complainant of falsely implicating the relatives in order to put undue pressure, has held as follows:

“That the Courts are required to exercise greater caution and carefully scrutinise whether the allegations genuinely disclose the commission of cognizable offences against each accused so implicated. The criminal law cannot be permitted to be set in motion against every relative of the husband merely on the basis of generalised and omnibus allegations lacking a specific factual foundation.”

24. In the case of ***Preeti Gupta & Anr. Vs. State of Jharkhand & Anr. : (2010) 7 SCC 667***, the Hon’ble Supreme Court has discussed the genesis of the cases filed under Section 498A of the I.P.C. in the following terms:-

“32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry



harassment is also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

25. In the case at hand, without attributing any specific role in furtherance of the general allegations raised against the petitioner being cousin-in-law of the complainant/opposite party No. 2, could not make her responsible for the differences which is matrimonial in nature between the husband and the wife. For such differences between the husband and the wife on the issues, cannot be allowed to ruin the life of other in-laws, who are, in no way, connected to the matrimonial life of the complainant/opposite party No. 2.

26. In the aforesaid conspectus of factual legal discussions made hereinabove and having considered the entire relevant circumstances, especially in the absence of any specific role attributed to the petitioner, it would be unjust if she is forced to go through the tribulations of the trial and as such, the impugned order dated 02.06.2016, passed by the learned S.D.J.M., Katihar in C.A. No. 2571 of 2015, is, hereby, quashed and set aside *qua* the petitioner.

27. It is made clear that this Court has not



expressed any opinion on the merit of the allegations levelled against the husband and other in-laws of the complainant/opposite party No. 2 against whom the learned S.D.J.M., Katihar has taken cognizance of the offences under Section 498A of the I.P.C. and Section 4 of the D.P. Act.

(Rana Vikram Singh, J)

Praveen-II/Smriti

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