

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56262 of 2024**

Arising Out of PS. Case No.-155 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Priyanka Priyadarshi, Daughter of Shri Anjani Kumar, Resident of Ashok Nagar, Kankarbagh, Police Station - Kankarbagh, District - Patna - 800020 (Bihar), Presently residing at Samastipur (Bihar).
 2. Sunil Kumar, Son of Late Mathura Prasad
 3. Pinki Kumari, Wife of Shri Sunil Kumar
Petitioner nos. 2 and 3 are resident of Village - Havvipur, Police Station - Punpun, District - Patna (Bihar)

... .. Petitioners

Versus

1. The State of Bihar
2. Asmita Kumari, Wife of Shri Kunal, Daughter of Shri Arvind Kumar, Resident of Yusufpur, Police Station - Khusrupur, District - Patna (Bihar)
3. Kunal @ Kunal Yadav, S/o Shri Anjani Kumar, R/o Ram Lakhan Path, Ashok Nagar, Road No.8, P.S.-Kankarbagh, District-Patna

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Mayank Shekhar, Advocate Mr. Saket Gupta, Advocate
For the State for the O.P. No.2	:	Mr. Nand Kishore Prasad, APP Mr. Ansul, Senior Advocate Mr. Kundan Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
CAV JUDGMENT**

Date : 09-07-2025

The present quashing petition has been preferred under Section 482 of the Code of Criminal Procedure (in short 'CrPC') by the above-named petitioners for quashing of the order dated 01.03.2024 as passed by learned Judicial Magistrate-1st Class, Patna City in connection with Patna Complaint Case No.155 (C) of 2024 titled as Asmita Kumari vs. Kunal Yadav and Ors., whereby the learned jurisdictional



Magistrate has been pleased to take cognizance for the offences punishable under Sections 498-A, 420, 406, 379 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961, which is presently pending in the court of learned Sub Divisional Magistrate, Patna city.

2. The case of prosecution is based upon the written report of one Asmita Kumari/complainant/O.P. No.2 alleging therein that her marriage was solemnized with the accused No. 1 namely, Kunal @ Kunal Yadav (who is not a petitioner) as per Hindu rites and rituals on 12.06.2022 at Patna. It is alleged that the engagement ceremony of the complainant/O.P. No.2 with the accused No. 1 Kunal Yadav was organized at Hotel Maurya Patna, for which an expense of Rs. 5,00,000/- (rupees five lacs) only occurred, and the same was solely borne by the father of the complainant. The complainant further alleged in the complaint that the marriage expense of Rs. 12,00,000/- (rupees twelve lacs) was also borne by the father of the complainant, which the accused persons allegedly refused to share the same. It is further



alleged by the complainant that her father has gifted her cash worth Rs. 35,00,000/- (rupees thirty five lacs), gold and silver jewellery worth Rs. 6,75,000/-(rupees six lacs seventy five thousand) cash worth Rs. 25,00,000/- (rupees twenty five lacs) for purchase of car and cash amount worth Rs. 3,00,000/- (rupees three lacs) for purchase of household items. Cash as mentioned aforesaid was allegedly handed over to the accused Nos. 1, 2 & 3, namely, Kunal Yadav, Anjani Kumar and Uma Devi. It is further alleged that cash worth Rs. 15,00,000/- (rupees fifteen lacs) was handed over to accused No. 5 namely, Shri Sunil Kumar for purchase of car on 08.05.2022. The complainant further alleged that after solemnization of her marriage, she went to her matrimonial home situated at Kankarbagh, Patna. She was treated well by all the accused persons for first few months. It is alleged that the behavior of the accused persons deteriorated thereafter, and then accused persons raised a further dowry demand for cash of Rs. 50,00,000/- (rupees fifty lacs) for purchase of a flat. The complainant was pressurized to bring such amount from her father and when she refused to do so, then the



complainant was subjected to verbal and physical abuse. The complainant allegedly was induced by the accused nos. 2, 3, 5 & 6, namely, Anjani Kumar, Uma Devi, Sunil Kumar and Pinki Kumari to transfer an amount of Rs. 11,00,000/- (rupees eleven lacs only) through installments in the name of repairing of her matrimonial home situated at Patna. The inducement was allegedly supported by the accused no. 4, namely Priyanka Priyadarshi through her personal presence or virtually through mobile call. It is further alleged that at the instance of accused nos. 2 & 4, namely, Anjani Kumar and Priyanka Priyadarshi, the accused no. 1 Kunal @ Kunal Yadav used to take the EMI amount of the flat, which was purchased by him at Bengaluru (Karnataka) from the complainant. Moreover, it was also alleged that her whole salary was spent by the accused persons for their house-hold goods and expenditure. It is further alleged that she was compelled to leave her matrimonial home when on 18.11.2023 during chhath festival the accused No. 1 Kunal Yadav along with accused Nos. 2 & 3, Anjani Kumar and Uma Devi took the complainant with them after being persuaded by the common



acquaintances but, thereafter, the complainant was verbally abused when she was referred to as an unattractive and degraded person. It is further alleged that the complainant in order to save her matrimonial life and family reputation did not protest and accepted everything. Accused Nos. 1, 2 & 3, Kunal Yadav, Anjani Kumar and Uma Devi allegedly acted as per the instruction of accused no. 4, Priyanka Priyadarshi. It is alleged that the complainant was treated as a servant and she was compelled to do all the household work after her official works. It is further alleged that when the complainant asked to keep a maid to the household works, she was assaulted by them. It is further alleged that on 25.01.2024, the accused No. 1 Kunal @ Kunal Yadav took all the belongings from the flat and vacate it and put a lock over the same, when the complainant refused to share her salary income with the accused No. 1, Kunal Yadav. The complainant at that time was in her office and she was ignorant about the same. The complainant further stated that she got the entry into the flat with the help of the members of the housing society and none of the accused persons i.e. accused nos. 1, 2 & 3 were picking



up the calls. It is further stated that after the aforesaid incident, the complainant came to the house of her father and is working from there since 12.02.2024. The complainant further alleged that the accused Nos. 2 & 3, namely, Anjani Kumar and Uma Devi came to their home at Bengaluru and stayed there for many days and instigated their son against the complainant. The complainant also alleged that the accused No. 1 Kunal Yadva in a designed conspiracy has cheated the complainant to the tune of Rs. 50,00,000/- (rupees fifty lacs) from her mobile and also took away her jewellery, educational qualification, certificates and passport. It is further alleged that the accused persons also threatened the complainant that the accused no. 1 Kunal Yadav will divorce her, sell his flat at Bengaluru and will marry with another girl. The complainant also informed the concerned police station that the accused no. 1 took all the belongings of the flat and left it by putting another lock and she got her entry with the help of the society members. It is alleged that the accused persons, namely, Sunil Kumar and Pinki Kumari came to the paternal house of the complainant and verbally



abused her and informed her that the accused No. 1, namely, Kunal Yadav will only keep her when they will fulfil the dowry demand. It is also alleged that the accused nos. 4, 5 & 6 again came to the paternal house of the complainant on 13.02.2024 and physically abused her when she refused to mark her signature over some non judicial stamp paper, which the accused no. 4 was referring to as "Divorce Papers".

3. It is submitted by Mr. Mayank Shekhar, learned counsel appearing for the petitioners that the petitioners are innocent in-laws and distant relatives, and they have committed no offence. They have been implicated out of their relations only with the husband of O.P. No.2, namely, Kunal Yadav. Clarifying the relation of petitioners, it is submitted that petitioner no.1 is the married sister of the husband of O.P. No.2, whereas petitioner no.2 is the maternal uncle (Mama) and petitioner no.3 is the maternal aunt (mami) of the husband of O.P. No.2. It is submitted that the husband of O.P. No.2 employed at Bengaluru, where he purchased a flat bearing No.311, 3rd Floor, DX MAX SISTA, Bharath Housing Society, Subramanyapura, Uttarahalli, Bengaluru, before the



marriage, where he was living with his old parents. The marriage of O.P. No.2 with the brother of petitioner no.1 was solemnized out of an acquaintance developed on an online matrimonial portal. The marriage was arranged, and the sister-in-law, petitioner no.1, first time met with the complainant in the month of January, 2022. It is further submitted that the engagement ceremony in connection with the present marriage took place on 06.06.2022, whereafter the marriage between O.P. No.2 and accused no.1, namely Kunal Yadav, who is not the petitioner for the present was solemnized on 12.06.2022 as per Hindu rites and rituals at Patna. Thereafter, both of them went back to Bengaluru on 18.07.2022. It is pointed out that both wife and husband are software engineers. They have an independent life and an independent source of income. It is pointed out that the whole issue and differences surfaced only when the complainant/O.P. No.2 had conceived in the month of September, 2022 but, she was reluctant for not having a child at the beginning of her marriage. She took all possible steps to abort the pregnancy, and on 07.10.2022, she was



taken to the hospital, where, after conducting some test, it was detected that the foetus's heart beat had stopped and the pregnancy of the complainant was aborted.

4. While arguing further *qua* deteriorating relationship with O.P. No.2 with her husband, Mr. Mayank Shekhar, learned counsel appearing for petitioners straightway submitted that all three petitioners had no occasion to visit Bengaluru. They never reside together, and their implication is out of relations only with a harassing attitude out of ulterior and oblique motives. It is further submitted that this is a classical case that how even the married sister-in-law and maternal uncle and aunt (mami) implicated out of a malicious approach to disturb/harass the entire family. It is pointed out that the petitioner no.1 is an A.D.M. rank officer, whereas petitioner no.2 and 3 are distant relatives.

5. Mr. Shekhar further pointed out that from the face of the complaint, there is no *prima facie* case *qua* allegation raised for cheating under Section 420 of the IPC and also *qua* criminal breach of trust as punishable under



Section 406 of the IPC. The allegation of theft is also misconceived against these petitioners. Taking cognizance against all such penal provisions alongwith Section 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 is bad in eyes of law and, therefore, the cognizance order dated 01.03.2024 with all its consequential proceedings *qua* above-named petitioners are liable to be quashed/set aside.

6. Learned counsel in support of the aforesaid submissions further submitted that from the face of the complaint, the core issue of difference between O.P. No.2 and her husband appears to have surfaced out of the transfer of ownership of the flat purchased by the husband of O.P. No.2, where the complainant claimed that EMI was transferred from her salary. It is also submitted that a perusal of para-13 of the complaint reveals that O.P. No.2 proceeded directly to Bengaluru after attending Chath Puja on 18.11.2023, and subsequently claimed to have returned to Patna on 12.02.2024. It is submitted that the alleged incident admittedly took place in Bengaluru with her husband; however, in order to falsely implicate the petitioners, who are



merely relatives, a fabricated cause of action was subsequently created in relation to an alleged occurrence dated 13.02.2024. This appears to have been solely to give territorial jurisdiction to the Patna court for maintaining the present complaint case, where the mother of the complainant/O.P. No.2 is stated to be practicing as an advocate. It is also submitted that the occurrence as narrated in para-16 of the complaint nowhere discloses that where it took place.

7. In support of the aforesaid submissions, learned counsel has relied upon the legal report of the Hon'ble Supreme Court as available through **Kamal and Ors. vs. State of Gujarat and Anr.** as reported in **2025 INSC 504** and **Abhishek vs. State of Madhya Pradesh** as reported in **(2023) 16 SCC 666**.

8. Mr. Ansul, learned senior counsel appearing for O.P. No.2 submitted that the specific allegation is available against petitioners *qua* occurrence of 13.02.2024, which took place at the residence of the complainant herself at about 7:30 A.M. It is also submitted by Mr. Ansul that petitioner



no.1 is an influential person, being a high ranking officer of the State Government as A.D.M. and she is a main conspirator along with petitioner nos. 2 and 3 to ruin the matrimonial relation of O.P. No.2 with her husband, namely, Kunal Yadav, but, he fairly conceded that the marriage of petitioner no.1 took place much earlier than the marriage of O.P. No.2 and also petitioner nos. 2 and 3 are maternal uncle (mama) and aunt (mami) living separately.

9. Taking note of the aforesaid submissions, it would be apposite to reproduce paras-18 and 19 of the complaint petition, which speak about the allegation *qua* petitioners and the occurrence dated 13.02.2024 alleged to have taken place at about 7:30 A.M. at the parental house of complainant/O.P. No.2, which are as under:-

“ 18. यह कि मुदालयगण सुनील कुमार, पिकी कुमारी दिनांक 12/02/2024 को भी परिवादिनी के मायके आकर प्रताड़ित किया गाली-गलौज किया एवं दहेज देने पर ही रखने के बातों को दुहराता रहा जिससे परिवादिनी काफी भयभीत एवं नर्भश हो गयी वे लोग किसी तरह के समझौता मानने से इंकार कर दिया जबकि गवाहन लोग कई बार समझौता का प्रयास किया। षड्यंत्र कर्ता प्रियंका प्रियदर्शी है।

19. यह कि पटना आने के पश्चात् दिनांक 13/02/2024 को सुबह करीब 7:30 बजे अभियुक्त संख्या 4, 5 एवं 6 एकमत होकर परिवादनी के मायके वाले आवास पर आये तो अभियुक्त संख्या 4 अपने पास ने नान जुडिसियल स्टाम्प पर टाईप किया हुआ कागज निकालकर परिवादनी को दिया कि यह तलाक का कागज है इस पर हस्ताक्षर करो। परिवादनी द्वारा इन्कार करने अभियुक्त संख्या 4 एवं 6 ने



परिवादिनी का बाल पकड़कर पटक दिया एवं मारपीट किया उसे बचाने जब माता (नीला कुमारी) एवं अन्य गवाहन आये तो अभियुक्त संख्या 6 उसके साथ भी मारपीट किये एवं कहे कि अगर संबंध रखना है तो परिवादिनी अपनी मासिक कमाई तथा एक फ्लैट लेने हेतु पच्चास लाख रुपया दें अन्यथा अभियुक्त संख्या 1 की दूसरी शादी करेंगे। अगल-बगल के लोग एवं गवाहन के कारण परिवादिनी के जान बची।”

10. It would be apposite to reproduce para 12 of the legal report of **Kamal Case** (supra), which is as under:-

“12. Even if we assume that there are some allegations of assault and of physical and mental torture of the complainant, but they are against the husband. As against the parents in law, the allegations are only of extending taunts and of not parting with the money for managing household expenses. Specific details in respect of those taunts have not been disclosed. Moreover, a few taunts here and there is a part of everyday life which for happiness of the family are usually ignored. Interestingly, as per own allegations in the FIR, the complainant admits that when she reported those issues to her parents and uncle, she was counselled to bear patience. In the circumstances, in our considered view, no case to proceed against the parents in law, namely, the second and third appellant is made out. In so far as the first appellant is concerned, there are allegations of physical and mental torture of the complainant at his behest. Consequently, the case may



proceed *qua* the first appellant.”

11. It would be apposite to reproduce paras-13, 14, 15, 16 and 17 of the legal report of the Hon'ble Supreme Court as available through **Abhishek case** (supra), which are 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.

17. In *State of Haryana v. Bhajan Lal*, [1992 Supp (1) SCC 335], this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C. could be exercised. Para 102 of the decision reads as follows:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised



and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.



(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide



and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

12. From the perusal of the record and the arguments as canvassed by learned counsel appearing for the parties, it transpires that in para-18 of the complaint, no time regarding the occurrence dated 13.02.2024 is specified, where the allegation is only against petitioner nos. 2 and 3 that after visiting the house of O.P. No.2, they used some abusive words and raised a demand for dowry but, subsequently, in para no.-19 of the complaint, the time also appears specified, i.e. 7:30 A.M., and petitioner no.1 namely, Priyanka Priyadarshi is also said to be present and alleged to have entered into a scuffle with the complainant by holding her hair along with petitioner no.3. The allegation also nowhere suggests any *prima facie* ingredients *qua* offences punishable under Sections 420, 406, 379 of the IPC as well as Sections 3 and 4 of the Dowry Prohibition Act against petitioners out of averments set out in the complaint petition.



13. In view of the aforesaid narration as mentioned in paras-18 and 19 of the complaint, the involvement of petitioners in the occurrence appears contrary and doubtful on its face, suggesting *prima facie* that they were implicated in the present case only out of their relations with the husband of O.P. No.2 with a harassing attitude to implicate entire family and relatives out of an ulterior and oblique motive due to strained relations of the complainant with her husband, namely, Kunal Yadav developed in Bengaluru, where they were working together.

14. Accordingly, by taking guiding note of **Abhishek's case** (supra), the order dated 01.03.2024 as passed by learned Judicial Magistrate-1st Class, Patna City, in connection with Patna Complaint Case No.155 (C) of 2024 *qua* three all above-named petitioners is hereby quashed/set aside with all its consequential proceedings.

15. The quashing application stands allowed. Pending petition(s), if any, also stands disposed of.

16. It is made clear that the husband of O.P. No.2 namely, Kunal Yadav has been impleaded in the present case



as O.P. No.3 only for the purpose of exploring the possibility of compromise/settlement upon the request of the parties, but, the same could not be formulated during the hearing of present petition. Accordingly, any observation made while disposing of the present petition shall have no bearing *qua* accused Kunal Yadav who is the husband of the complainant/O.P. No.2.

17. Let a copy of this judgment be communicated to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	AFR
CAV DATE	18-06-2025
Uploading Date	09-07-2025
Transmission Date	09-07-2025

