

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60653 of 2022

Arising Out of PS. Case No.-5 Year-2018 Thana- NAUTAN District- Siwan

1. SURYADEV SINGH @ SURAY DEO SINGH S/o Anandi Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
2. SANTOSH SINGH @ SANTOSH KUMAR @ SANTOSH KUMAR SINGH S/o Anandi Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
3. MUNNA SINGH MUNNA KUMAR SINGH S/o Anandi Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
4. CHANDRABHUSHAN SINGH CHANDRABHUSHAN KUMAR S/o Anandi Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
5. MAINSH SINGH @ GOLU @ MANISH KUMAR S/o Suryadev Singh @ Suray Deo Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
6. RINKU DEVI W/o Suryadev Singh @ Suray Deo Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
7. RIMA DEVI W/o Santosh Singh @ Santosh Kumar @ Santosh Kumar Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
8. SHILPA KUMARI D/o Suryadev Singh @ Suray Deo Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar
9. NIDHI KUMARI D/o Suryadev Singh @ Suray Deo Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar Under guardianship of her natural guardian- Niraj Kumar (Maternal Uncle- Mama) aged about 35 years, Gender- Male, Son of Late Mukhtar Singh, Resident of Village- Pakhrera, P.S.- Pachrukhi, District- Siwan, Bihar
10. SONAM KUMARI D/o Suryadev Singh @ Suray Deo Singh Resident of village- Ukhai, Pachhim Tola, P.S.- Siwan Muffasil, District- Siwan, Bihar Under guardianship of her natural guardian- Niraj Kumar (Maternal Uncle- Mama) aged about 35 years, Gender- Male, Son of Late Mukhtar Singh, Resident of Village- Pakhrera, P.S.- Pachrukhi, District- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SEEMA DEVI W/o Ravish Kumar D/o Virendra Singh Presently residing at village- Narayanpur, P.S.- Nautan, District- Siwan, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Indrajeet Bhushan, Advocate
	:	Mr. Manish Kumar, Advocate
	:	Ms. Sarwat Rafi, Advocate
For the Opposite Party/s :		Mr.Syed Mojibur Rahman, APP



CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT
Date : 11-05-2026

Heard learned counsel for the petitioners as well as learned APP for the State.

2. The instant application has been filed on behalf of the petitioners for quashing the order dated 13.07.2022 passed by learned S.D.J.M., Siwan in connection with Nautan P.S. Case No. 05 of 2018; G.R. No. 136 of 2018, whereby and where under the learned S.D.J.M., Siwan has been pleased to take cognizance against the above named petitioners under Sections 498(A), 341, 323, 504/34 of I.P.C. and under Section 3, 4 of Dowry Prohibition Act.

3. The petitioner No. 1, 2, 3 and 4 are the brothers of the husband of O.P. No. 2, Petitioner No. 5 is the nephew of the husband of O.P. No. 2, Petitioners No. 6 and 7 are the Bhavis (sister-in-law) of the husband of O.P. No. 2 and Petitioners No. 8, 9 and 10 are nieces of the husband of O.P. No. 2.

4. The allegation is that the marriage of the informant was solemnized with one Rabish Kumar Singh on 05.06.2012. After two months demand of dowry was made.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged



in the FIR. He further submits that general and omnibus allegations have been levelled against all the petitioners who are other than the husband of demand of dowry. Simple perusal of the FIR would show that the allegation is vague, general and omnibus to the core without any specific date, instance or mode and manner of torture or demand. He further relies upon the observation given by the Hon'ble Supreme Court in **Abhishek vs. State of Madhya Pradesh reported in [2023 SCC Online SC 1083]** and submitted that the petitioner no. 2 and 3 were implicated only of their relations with husband of O.P. No. 2.

“(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.

6. The learned counsel for the opposite parties have vehemently opposed the prayer for quashing the order of cognizance dated 13.07.2022.

7. In view of the facts and circumstances of the case and in view of the judgment rendered by the Hon’ble Supreme Court in case of *Abhishek vs. State of Madhya Pradesh (Supra)*, the instant quashing application stands allowed

8. Accordingly, the order taking cognizance dated 13.07.2022 passed by learned S.D.J.M., Siwan in connection with Nautan P.S. Case No. 05 of 2018; G.R. No. 136 of 2018 is hereby quashed, so far as the petitioners are concerned.

(Ansul, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
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