

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12841 of 2020

Arising Out of PS. Case No.-476 Year-2018 Thana- AGAMKUAN District- Patna

1. Chandra Bhushan Prasad Son of late Prahlad Chaudhary Resident of Village - H/G Flat no.4/38 Sector - 7, Block- 4, Bahaduerpur Housing Colony, P.S.- Agamkuan, Distt.- Patna.
2. Rama Kumari W/o Chandra Bhushan Prasad Resident of Village - H/G Flat no.4/38 Sector - 7, Block- 4, Bahaduerpur Housing Colony, P.S.-Agamkuan, Distt.- Patna.
3. Harjit Rahul Son of Chandra Bhushan Prasad Resident of Village - H/G Flat no.4/38 Sector - 7, Block- 4, Bahaduerpur Housing Colony, P.S.-Agamkuan, Distt.- Patna.
4. Rashmi Kumari W/o Arvind Kumar Resident of Village - Shekhpura, P.S.- Shastri Nagar, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Pinki Kumari D/O Chandrika Chaudhary Resident of Gola Road, Danapur, P.S.- Danapur, Distt - Patna
- Opposite Party/s
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Appearance :

For the Petitioner/s	:	Md. Anisur Rahman, Adv. Md. Khalid Anwar, Adv.
For the State		Mr. Ram Priya Sharan Singh, Adv.
For the O.P. No. 2		Mr. Radha Mohan Singh, Adv. Mr. Dewendra Nr. Singh, Adv. Mr. Utsav Anand, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 12-01-2026

Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned APP for the State.

2. The present application has been filed on behalf of the petitioners for quashing of the order dated 19.06.2019 passed by the learned A.C.J.M., Patna City in Agamkuan P.S. Case No. 476 of 2018 (G.R. No. 3404 of 2018) whereby and



whereunder the learned court below has taken cognizance of the offences punishable under Sections 498(A), 494, 341, 323, 504 and 34 of the Indian Penal Code (hereinafter referred to as the 'IPC') and Section 3/4 of the Dowry Prohibition Act against the petitioners and summons have been issued.

3. The present petitioners are the father-in-law, mother-in-law, brother-in-law and the married sister-in-law of the opposite party no. 2, who have been made an accused in Agamkuan P.S. Case No. 476 of 2018 dated 09.07.2028 with the allegations of demand of dowry and torture having been committed upon the informant i.e. opposite party no. 2. There are also allegations of some physical assault and that of contracting of a second marriage by the husband of the informant.

4. Learned counsel for the petitioners has submitted that it would be evident from a bare perusal of the first information report that the allegations made therein are general and omnibus in nature with no specific allegations on these petitioners. It has also been submitted that the husband of the informant, Ranjit Rahul, made all efforts to protect the conjugal relations with the informant and even filed a matrimonial case for restitution of conjugal rights under Section 9 of the Hindu



Marriage Act vide Matrimonial Case No. 5481 of 2018 before the court of the learned Principal Judge, Family Court, Patna wherein notices were also issued to the informant, however, she chose not to appear in the said matrimonial case and the matter was put for ex-parte hearing leading to a decree of restitution of conjugal rights having been passed in favour of the husband. As far as the case of these petitioners are concerned, a specific averment has been made in paragraph-9 of the petition that the informant and her husband had been living separately from the petitioners and they had no concern with the day to day family affairs of the informant or her husband. It has further been submitted that totally vague and baseless allegations of demand of dowry and subjecting the informant to torture has been imputed against the petitioners whereas they have never indulged in the acts as alleged by the informant and only by virtue of they being the family members of the husband of the informant they have maliciously been arrayed as accused in the present case. The counsel for the petitioners has thus submitted that the present prosecution against the petitioners is totally a frivolous and vexatious one and is fit to be quashed.

5. Per contra, the learned APP for the State and the learned counsel appearing on behalf of the opposite party no. 2



have vehemently opposed the quashing of the impugned order taking cognizance on the ground that a *prima facie* case is made out against the accused persons, and hence, there is no illegality in the order impugned, as such, it warrants no interference.

6. This Court had the occasion to go through the first information report and the allegations made therein which only disclose general and omnibus allegations and rather relates to some pressure being exerted on the informant for applying for a loan for the purposes of purchase of a house. The allegations further relate to keeping of some articles belonging to the informant and a specific allegation with regard to a second marriage has been made against her husband Ranjit Rahul while maintaining that she is a working woman and she was ill treated when she had gone to her matrimonial house to collect her belongings. Before going on to the law laid down by way of various judicial pronouncements made by the Hon'ble Apex Court with regard to criminalizing domestic disputes without specific allegations and credible materials to support the same, it would be first necessary to adjudicate on the issue as to whether the allegations made in the first information report make out a case under Section 498A of the IPC. At this stage, it would be relevant to quote the provision of Section 498A of the IPC



which is as follows:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.-Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.- For the purpose of this section, “cruelty” means-

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”*

7. From a bare perusal of the above-mentioned provision, it would be apparent that the said provision has been divided into two parts wherein the first part deals with any willful conduct being of such nature likely to drive the woman to commit suicide or to cause grave injuries or danger to her life. The assertions made in the first information report do not make out a case which have such serious and disastrous consequences leading the woman to commit suicide or to cause grave injury upon her, in background of the fact that it was the informant who had left the matrimonial household and did not



participate in the proceedings of the family court relating to restitution of conjugal rights, leading to the inference that she was not interested in resuming conjugal relations and performing her marital obligations. The second part of the provision, dealing with harassment with a view to coercing her for meeting any unlawful demand for property also needs to be established by a series of acts to constitute harassment in its literal meaning and spirit. Merely making reference to some demands being made from the informant and her articles not being returned, coupled with the allegation of asking her to take some loan for purchasing a house, would not amount to harassment and cruelty as contemplated under Section 498A of the IPC.

8. Coming to the question of complicity of these petitioners, the allegations of subjecting the informant to any torture, is totally vague, general and omnibus as also sweeping in nature. It has been laid down by several judicial pronouncements that when the family relationships are sought to be brought within the ambit of criminal proceedings, the courts should be circumspect and judicious and should allow invocation of criminal processes only when there are specific allegations with supporting materials which clearly constitute



criminal offences. All acts of a dissatisfied and disgruntled wife on account of matrimonial discord, cannot be brought within the purview of Section 498A of the IPC, as such, the courts have to be extremely careful and cautious while dealing with such cases by strictly examining whether there are specific allegations with instances against the perpetrators as against generalised allegations. There is no doubt about the fact that importance has to be given to the victims of domestic violence, but all the family members and relatives ought not to be brought within the ambit of criminal prosecution in a general and sweeping manner.

9. In the case of **Kahkashan Kausar & Ors. Vs State of Bihar & Ors** reported in **(2022) 6 SCC 599** the Hon'ble Supreme Court considered all the earlier judgments rendered in connection with quashing of prosecution against relatives with generalised allegations with no specific instances being carved out as against them, starting from the case of **Preeti Gupta & Anr. Vs. the State of Jharkhand & Anr. reported in (2010) 7 SCC 667**, wherein it was observed that it was a matter of common experience that most of the complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations and such complaints



are filed with certain oblique motives. With regard to the prosecution faced by the members of the family it has been clearly laid down in the case of **Kahkashan Kausar** (supra) that such persons ought not to go through the rigors of the prosecution and trial as an eventual acquittal also inflicts severe scars upon the accused. Paragraph 21 of the above-mentioned judgment rendered by the Hon'ble Apex Court in **Kahkashan Kausar** (supra) is being quoted hereunder:

“21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the appellant-accused, it would be unjust if the appellants are forced to go through the tribulations of a trial i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged.

12. This Court would also gainfully refer to the recent case of **Dara Laxmi Narayana Vs. the State of Telangana (2025) 3 SCC 735** wherein the Hon'ble Apex has made it clear that family members of the husband of the informant ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. It was further held that in a case where the allegations are totally bereft of



specific accusations particularly in the background that the relatives are even staying separately from the informant and her husband, allowing such malicious and motivated prosecution to continue would amount to an abuse of the process of the court. The above-mentioned judgment rendered by the Hon'ble Supreme Court has been noticed and reiterated in the recent case of **Mange Ram Vs State of Madhya Pradesh & Anr. (2025) INSC 962** to hold that continuation of the criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose and in appropriate cases the power to quash such proceedings is essential to uphold fairness and bring about a quietus to personal disputes.

13. The adverse effects of criminalizing of domestic disputes without specific allegations to support the same have also been very recently considered by the Hon'ble Supreme Court in the case of **Geddani Jhansi & Anr. Vs. State of Telangana & Anr.** reported in **2025 SCC Online SC 263** where their lordships have also noticed a growing tendency to implicate other members of the family who are not connected with the allegation of harassment and torture and a further tendency to exaggerate allegations giving them a criminal



colour. The Hon'ble Apex Court has also observed that the courts dealing with the issue need to assess as to whether such allegations are genuine with specific criminal role assigned to each member of the family or whether it is merely a spill over and side effect of matrimonial discord. Paragraphs 31, 32, 35, 36 and 39 of the above-mentioned case of **Geddam Jhansi** (supra) are being quoted hereunder:-

“31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there



being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.

39. Under these circumstances, for the reasons discussed above, we are satisfied that the appellants have been able to make out a case for interference in these proceedings qua the present appellants as in our opinion no prima facie case has been made out against the appellants to continue with the criminal proceedings against them and allowing these to continue would amount to abuse of the process of the law.”

14. In view of both the factual context of the present



case with regard to the complicity of the petitioners who are the in-laws of the family i.e. relatives of the husband of the informant as also considering the legal spectrum on the subject concerned by the Hon'ble Apex Court and for the reasons discussed above, this Court is of the considered opinion that continuance of criminal prosecution against the petitioners would amount to abuse of the process of the law and cause grave miscarriage of justice, as such, the impugned order dated 19.06.2019 passed by the learned A.C.J.M., Patna City in Agam Kuan P.S. Case No.476 of 2018 (G.R. No.3404 of 2018) is hereby quashed.

15. Accordingly, the present application stands allowed.

(Soni Shrivastava, J)

devendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	
Transmission Date	

