

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3093 of 2017

1. Kedar Yadav, Son of Sita Ram Yadav,
2. Tapeswar Yadav, Son of Sita Ram Yadav,
3. Sita Ram Yadav, Son of Late Arajlal Yadav,
4. Bhakwa Devi, Wife of Sitaram Yadav
5. Sarita Devi, Wife of Tapeswar Yadav,
6. Panwa Devi, wife of Late Ram Prasad Yadav,

1 to 6 are resident of village Kanjangi, P.S. & P.O. -Giddi, District - Hazaribagh (Jharkhand)

7. Binod Yadav @ Binod Gope @ Yadav, Son of Bhikhan Gope,
Resident of village -Jamira, P.S. -Patratu & P.O. -Barkakana, District -
Ramgarh (Jharkhand). Petitioners

Versus

1. The State of Jharkhand
2. Gudia Devi, Wife of Niranjana Yadav, D/o -Bishwanath Yadav @ Bishun Yadav, presently residing at Chapi, P.O. -Chapi, P.S. - Petarwar (Tenughat O.P.), District -Bokaro (Jharkhand)

.... Opp. Parties

PRESENT

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners

: Md. Razaullah Ansari, Advocate

: Md. Shahabuddin, Advocate

: Mr. Nikhil Kr. Mehta, Advocate

For the State

: M. Arup Kr. Dey, Addl. P.P.

For the O.P. No.2

: Ms. Amrita Sinha, Advocate

: Ms. Pragunee Kashyap, Advocate

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By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the entire criminal

proceeding including the orders dated 16.06.2015 and 14.12.2016, passed by the learned S.D.J.M., Bermo at Tenughat in connection with Peterwar (Tenughat O.P.) P.S. Case No. 19 of 2015 corresponding to G.R. Case No. 147 of 2015 whereby and where under respectively the learned Sub Divisional Judicial Magistrate took cognizance of the offence punishable under Section 498A of the Indian Penal Code upon submission of charge sheet by the police against the petitioners and other co-accused persons and framed charges and read over and explained the charges to the accused persons.

3. The allegations against the petitioners are that the petitioners after fifteen days from 08.05.2014 till lodging of the case at village Chapi being the husband and/or relatives of the informant subjected the informant to mental and physical cruelty by demanding dowry of Rs.2,00,000/-, one Maruti Car and five tola of gold and thereby they have committed the offence punishable under Section 498A of the Indian Penal Code. In the meanwhile, four prosecution witnesses have been examined including the informant and they have all supported the case of the prosecution.
4. It is submitted by the learned counsel for the petitioner relying upon the Judgment of the Hon'ble Supreme Court of India in the case of **Dara Lakshmi Narayana and Others Vs. State of Telangana and Another**, reported in (2025) 3 SCC 735, that in para -27 thereof, it has been held by the Hon'ble Supreme Court of India that a mere reference to the names of a family members in a

criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in bud. It was also observed therein that it is a well-recognised 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. Therefore, such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Hence, 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. It is next submitted that in para-31 of the said judgment, the Hon'ble Supreme Court of India has clarified that the woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the Indian Penal Code should not remain silent and forbear herself from making a complaint or initiating any criminal proceeding but in a case like the one before the Hon'ble Supreme Court of India; as in that case where, as a counterblast to the petition for dissolution of marriage sought by the first appellant- husband of the complainant in that case, a complaint under Section 498A of the Indian Penal Code is lodged; it was observed that such complaints should not be encouraged. It is then submitted that the allegations against the petitioners are false and in the F.I.R., fake and omnibus allegations have been levelled against the

petitioners. Hence, it is submitted that the prayer as prayed for in this criminal miscellaneous petition be allowed.

5. The learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently oppose the prayer as prayed for by the petitioners in this criminal miscellaneous petition and submits that the trial is at an advance stage and four of the witnesses of the prosecution including the victim have been examined and they have supported the case of the prosecution. At this stage, quashing of the entire criminal proceeding will amount to passing a judgment; when only a portion of the prosecution witnesses have been examined. It is next submitted that unlike the case of **Dara Lakshmi Narayana and Others Vs. State of Telangana and Another** (supra), in this case, no petition for dissolution of the marriage has been filed by the husband of the informant; so the principle of law settled in the case of **Dara Lakshmi Narayan and Others Vs. State of Telangana and Another** (supra) is not applicable to the facts of this case. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that in this case, the trial has begun. The prosecution has examined only four out of the witnesses cited in the charge sheet and the case is at the stage of evidence. Out of the four witnesses examined by the prosecution, the victim is one of the

witnesses examined by the prosecution. When the trial is at an advanced stage, this Court is of the considered view that quashing the proceeding at this stage will amount to passing a judgment when examination of the witnesses of the prosecution is incomplete, which will not be in accordance with law. Therefore, this Court is of the considered view that keeping in view the advance stage of the trial, it is fit case where the trial court be left to take a call on the merit of the case after recording of the evidence of the prosecution as well as the accused persons, if they so wish and after hearing arguments of the parties.

7. Under such circumstances, this Court is not inclined to accede to the prayer of the petitioner made in this criminal miscellaneous petition in exercise of its power under Section 482 of the Cr.P.C. at this stage.
8. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 19th March, 2026
AFR/Sonu/-

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