

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1082 of 2021

Sonu Ravi Das, aged about 39 years, son of Babu Lal Ravi,
resident of M.E. School Road, Jugsalai, P.O and P.S.- Jugsalai,
Jamshedpur, Dist.- Singhbhum East Petitioner

Versus

1. The State of Jharkhand
2. Sammi Kumari Ravi, daughter of Late Vijay Das, at present
residing at Chiniyan Road, Garhwa, P.O and P.S.- Garhwa,
Dist.- Garhwa Opposite Parties

For the Petitioner : Mr. Praveen Shankar Dayal, Adv.
For the State : Mr. Rajesh Kumar , Addl. PP
For the opp. party no. 2 : Ms. Priyanka Bobby, Adv.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of CrPC with a prayer for quashing the entire criminal proceeding and prosecution as well as the order dated 16.07.2020 passed by learned Chief Judicial Magistrate, Garhwa in Complaint Case no. 1084 of 2019 whereby learned Chief Judicial Magistrate, Garhwa has found the offence punishable under Section 498A of the IPC.
3. The brief fact of the case is that the petitioner married the complainant suppressing the material fact that he is impotent and did not allow the complainant to stay with him at his place of work at Raipur where he was employed as a Probationary Officer in a bank and told her to stay at Jamshedpur. On the basis of the complaint , statement on Solemn Affirmation and statement of the Enquiry Witnesses, learned Chief Judicial Magistrate, Garhwa has found the *prima facie* case for the offence punishable under Section 498A of IPC.
4. It is submitted by learned counsel for the petitioner drawing attention of the court to page 29 of the IA No. 7047 of 2025, that

the same is the judgment passed by the Family Court, Garhwa, at the behest of the opp. party no. 2-complainant and by the said judgment dated 01.05.2024 passed in Original M.M. Suit no. 104 of 2019, the Family Court has annulled the marriage, solemnized between the petitioner and the opp. party no. 2 on 11.05.2019, with effect from the said decree on 01.05.2024 and directed by the petitioner herein, to pay the permanent alimony worth Rs. 3,00,000/-. It is submitted by learned counsel for the petitioner that the petitioner has already paid the said permanent alimony of Rs. 3,00,000/-. It is next submitted that even though the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 498A of the IPC is not made out against the petitioner, hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

5. Learned Addl. PP and leaned counsel for the opp. party no. 2 on the other hand opposes the prayer of the petitioner and submits that the petitioner has ruined the life of the complainant by unnecessarily entering into matrimony with her by suppressing the material fact that the petitioner is impotent and hence, the offence punishable under Section 498A of the IPC is made out against the petitioner, therefore, this Criminal Miscellaneous Petition being without any merit, be dismissed.
6. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that the essential ingredients to constitute the offence punishable under Section 498A of IPC are –
 - (i) a woman was married;
 - (ii) she was subjected to cruelty;
 - (a) by any willful conduct which is of such a nature that is likely to drive a woman to commit suicide, or to cause grave injury or danger to life, limb, whether mental or physical health of a woman; or

(b) by harassing a woman where such harassment is with a aim of coercing her or any person related to her to meet any unlawful demand for any property or for any valuable security or is on account of failure by her or any person related to her to such demand.

7. Now coming to the facts of the case, there is absolutely no allegation against the petitioner of making any unlawful demand of any property or any valuable security, hence, in the facts of the case, the second limb to constitute the cruelty is not made out, even if the entire allegations made against the petitioner are considered to be true in their entirety.
8. So far as the first limb to constitute the offence of cruelty is concerned, there is absolutely no allegation that there was any willful conduct on the part of the petitioner which was of such a nature which was likely to drive the complainant to commit suicide or to cause grave injury to life, limb and health and the only allegation against the petitioner is that after the marriage, the petitioner disclosed his inability to have sexual intercourse with the complainant - opp. party no. 2 because of his physical incapacity; which in the considered opinion of this Court by itself, is not sufficient to constitute the offence punishable under Section 498A of IPC.
9. In view of the discussions made above, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 498A of the IPC is not made out hence, continuation of the criminal proceeding against the petitioner will amount to abuse of process of law, therefore, this is fit case where the entire criminal proceeding and prosecution as well as the order dated 16.07.2020 passed in Complaint Case no. 1084 of 2019 be quashed and set aside against the petitioner.
10. Accordingly, the entire criminal proceeding and prosecution as well as the order dated 16.07.2020 passed in Complaint Case no. 1084 of 2019 is quashed and set aside against the petitioner.

11. In the result, this Criminal Miscellaneous Petition is allowed and in view of the disposal of this Criminal Miscellaneous Petition, the interlocutory application, if any, also stand disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 10th July, 2025
Smita / AFR