

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1810 of 2025

1. Pankaj Narayan, aged about 33 years, son of Late Sadanand Ram Gupta, resident of Flat No. B2, 104, Aryav Crosswind Apartments, 88/5, Horamavu Main Road, Ramarmurthynagar, Raghavendra Circle, P.O. & P.S. -Ramamurthy Nagar, Town & District - Bengaluru, State -Karnatka.
2. Munni Devi, aged about 65 years, wife of Late Sadanand Ram Gupta, resident of Kailash Nagar, Chas, Bokaro, Jharkhand, currently residing at Flat No. B2, 104 Aryav Crosswind Apartments, 88/5, Horamavu Main Road, Ramarmurthynagar, Raghavendra Circle, P.O. & P.S. -Ramamurthy Nagar, Town & District - Bengaluru, State -Karnatka. Petitioners

Versus

1. The State of Jharkhand
2. Neha Kumari, aged about 32 years, Wife of Pankaj Narayan, Daughter of Rasmikant Kumar, presently resident of Near Bus Stand, Rajganj Road, Bhagat Mohalla, P.O. & P.S. -Katras, District - Dhanbad (Jharkhand); R/o Block B2, Flat No. 104, Aryab Krons Winds Apartment 88/5, Horamawu Main Road, Rammurthy Nagar, Bengaluru -560016. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	 : Mr. Gaurav Kaushalesh, Advocate : Mr. Sudhir Kr. Singh, Advocate
For the State	: Mr. Pankaj Kumar, P.P.
For the O.P. No.2	: Mr. Pratiush Lala, Advocate : Deepak Kr. Sahu, 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash and set

aside the entire criminal proceeding of C.P. Case No. 5803 of 2023, including the order dated 07.02.2024, passed by the learned Sub Divisional Judicial Magistrate, Dhanbad, by which the learned Sub Divisional Judicial Magistrate, Dhanbad has found *prima facie* case for the offence punishable under Section 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act against the petitioners.

3. The allegation against the petitioners is that after the marriage of the complainant with the petitioner no.1, both the petitioners made a dowry demand of Rs.10,00,000/- to be brought from her father. The complainant informed her parents about the dowry demand. The parents of the complainant tried to make the petitioners understand their difficulty in meeting their dowry demand but the petitioners remained adamant for payment of the additional dowry and with a view to coerce the informant to meet the said unlawful dowry demand of Rs.10,00,000/- harassed her by abusing with filthy language and assaulted her and as a means of harassment, the complainant was also tortured both physically and mentally for which she had to take treatment from doctor. Thereafter, the complainant came to her paternal house but on 19.03.2023, the petitioners also came to the paternal house of the complainant at Katras and also made the dowry demand and as means of harassing her to coerce the complainant, the petitioner no.1 behaved with the complainant in obscene manner. Again on 02.04.2023, both the petitioners came to Katras and again made the

said unlawful dowry demand of Rs.10,00,000/- and threatened that unless the said dowry demand is met, the petitioner no.1 will solemnize a second marriage. On the basis of the complaint, statement of the complainant under solemn affirmation and statement of the inquiry witnesses, the learned Sub Divisional Judicial Magistrate, Dhanbad has found *prima facie* case for the offences as already indicated above.

4. The learned counsel for the petitioners submits that the opposite party no.2 came to her matrimonial house leaving all her jewellerys at Asansol which were gifted to her during her wedding at Dhanbad. She was never inclined to participate in any household works at her matrimonial house. It is next submitted that the petitioner no.2 is suffering from different ailments and is not in a condition to walk properly at present. It is next submitted that the petitioner no.1 filed MCA No. 6968 of 2023 in the Family Court, Bangalore for dissolving the marriage amicably. The Hon'ble Supreme Court of India vide order dated 07.01.2025 allowed the Transfer Petition of the M.C.A. Case No.,6968 of 2023 from Bangaluru to the Family Court, Dhanbad. It is next submitted by the learned counsel for the petitioners that the allegations against the petitioners are false and the petitioners never visited paternal house of the complainant on 02.04.2023.
5. 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 (2024) SCC Online SC

3682, it is submitted by the learned counsel for the petitioners that in the said Judgment, the Hon'ble Supreme Court of India has reiterated the settled principle of law that mere reference to the names of the family members in a criminal case arising out of a matrimonial dispute without specific reasons indicating their active involvement should be nipped in the bud.

6. The learned counsel for the petitioners next relies upon the Judgment of the Hon'ble Supreme Court of India in the case of **Geddam Jhansi Vs. State of Telangana and Another**, reported in **(2025) SCC Online SC 263** and submits that therein the Hon'ble Supreme Court of India in the facts of that case, when there was a police case and there was a complaint case and the inquiry witnesses in the complaint case did not bring any new facts, in the facts of that case, the Hon'ble Supreme Court of India held that continuation of the criminal proceeding against the other relatives except the husband and mother of the husband was unnecessary and quashed the same. Hence, it is submitted by the learned counsel for the petitioners that the prayer as prayed for by the petitioners be allowed.

7. The learned Public Prosecutor and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer as prayed for by the petitioners and submits that there is direct and specific allegation against the petitioners of both demanding dowry of Rs.10,00,000/- and treating the informant with cruelty by harassing her in several modes and manner with a

view to coerce her to meet the unlawful demand of dowry of Rs.10,00,000/- to be brought by her from her parents and the learned Judicial Magistrate has not issued summoning orders against the other family members keeping in view the principle of law settled by the Judgments relied upon by the learned counsel for the petitioners. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials available in the record, this Court finds that there is direct and specific allegation against the petitioners of demanding the dowry of Rs.10,00,000/- on two specific dates of 19.03.2023 and 02.04.2023 at the paternal house of the complainant at Katras. There are also direct and specific allegations against the petitioners of harassing the complainant with a view to coerce her to meet the unlawful demand of dowry of Rs.10,00,000/-.
9. Under such circumstances, this Court is of the considered view that the materials in the record are sufficient for the learned Sub Divisional Judicial Magistrate, Dhanbad to find *prima facie* case under Section 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act being made out.
10. Therefore, this Court do not find any justifiable reason to accede to the prayer of the petitioners made in this criminal miscellaneous petition in exercise of its power under Section 528 of the B.N.S.S., 2023.

11. Accordingly, this criminal miscellaneous petition being without any merit be dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 22nd January, 2026
AFR/Sonu-Gunjan/-

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