

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1719 of 2024

1. Minu Rai @ Minu Gupta, aged about 34 years, W/o Dhreeaj Rai.
2. Dheeraj Rai @ Dheeraj Kumar Rai, aged about 35 years, S/o Sudhakar Rai,
Both R/o- Flat No.607, Tower 04, Breez Global Heights, Sector 33, VTC, Dhunela (182), P.O. and P.S.-Sonha, District-Gurgaon, Haryana.

... Petitioners

Versus

1. The State of Jharkhand
2. Babli Kumari, permanent residence wife of Neeraj Rai, R/o- Station Road, Sabzi Market, P.O.-Sahibganj, P.S.-Sahibganj (Town), District-Sahibganj, Jharkhand, present residence, D/o Prabhakar Kumar, R/o-village-Laxmipur, P.O.-Basantrai, P.S.-Basantrai, District-Godda.

... Opposite Parties

For the Petitioners : Mrs. Dr. Vandana Singh, Advocate
For the State : Mr. P.D. Agrawal, Spl.P.P.
For the O.P. No.2 : Mr. Ashish Verma, Advocate
: Mr. Manoj Kr. Jha, Advocate

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 the Code of Criminal Procedure with the prayer to quash and set aside the entire criminal

proceeding arising out of Complaint Case No.91 of 2024 including the said complaint case and the order dated 22.03.2024 passed by learned Judicial Magistrate-1st Class, Godda whereby and where under the learned Judicial Magistrate-1st Class, Godda has taken cognizance of the offences punishable under Sections 498A, 323, 354C, 34 of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act *inter alia* against the petitioners.

3. The allegation against the petitioners is that the petitioners respectively being the sister-in-law and brother-in-law of the complainant and on 11.01.2024 between 9:00 AM to 10:00 AM they went to the house of the complainant and caused hurt to her by assaulting her. Prior to that occurrence, the petitioners drove the complainant out from her matrimonial house and assaulted her because of the failure on the part of the complainant to meet their unlawful dowry demand of Rs.2 lakhs to be brought by the complainant from her father. There is further allegation against the petitioners that the petitioners in furtherance of common intention with each other harassed the complainant both physically and mentally by assaulting her. There is also specific allegation of voyeurism against the petitioner no.2 who used to watch and capture the image of the complainant in all her private act and circumstances where the complainant would usually have expectation of not being observed either by the perpetrator or by other person at the behest of the petitioner no.2 by putting a CCTV Camera in the bedroom of the complainant. There is also direct allegation against the petitioners of criminally intimidating the

complainant by having an evil eye upon her and threatening to kill the father of the complainant and to institute a false case and thus, an alarm was raised in the mind of the complainant that she will be killed by the petitioner no.2.

4. On the basis of the complaint, statement of the complaint on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate-1st Class, Godda has found *prima facie* case for the said offences and took cognizance of the offences.

5. Learned counsel for the petitioners relies 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 and submits that in the facts of that case, when the appellants before the Hon'ble Supreme Court of India had no connection to the matter in the case concerned and were dragged into the web of crime without any rhyme or reason and there was no substantial and specific allegations made against them other than stating that they used to instigate the co-accused for demanding more dowry and the admitted facts of that case is that they never resided with the complainant, the Hon'ble Supreme Court of India in the facts of that case observed that a mere reference to the names of family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is next submitted that in para-33 of the said judgment, the Hon'ble Supreme Court of India relied upon its own judgement in the case of **Preeti Gupta vs. State of Jharkhand** reported in

(2010) 7 SCC 667 wherein it was held 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 and went on to quash the FIR of this case.

6. Learned counsel for the petitioners next submits that like the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another (supra)**, in this case also, the petitioners are residing in faraway places and they never resided with the complainant. It is next submitted that the allegation against the petitioners is false, general and omnibus in nature. It is next submitted that the complainant has evil eye on the paternal property of the petitioner no.2 and with a view to grab the same has lodged this case and putting pressure upon the petitioners. It is next submitted that there is unexplained and inordinate delay in filing the complaint and the complaint has been filed for wrecking vengeance only. It is next submitted that even if the contents of the complaint are considered to be true in their entirety, still no *prima facie* case is made out. It is next submitted that without application of judicial mind, the learned Judicial Magistrate-1st Class, Godda has taken cognizance of the said offences and the order taking cognizance is a non-speaking order.

7. Learned counsel for the petitioners next submits by drawing attention of this Court to the supplementary affidavit dated 03.09.2024 that the complainant has already compromised the case with her husband, hence, it is lastly submitted that the prayer as prayed for in this Cr.M.P., be allowed.

8. Learned Spl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in the instant Cr.M.P and submit that unlike the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another (supra)**, in this case, there is direct and specific allegations against the petitioners of causing hurt to the complainant by assaulting her and the exact time and place of such occurrence has specifically been mentioned in the statement of the complainant on solemn affirmation; besides the other occurrences of abuse and assault upon the complainant and there is no specific denial of the occurrence of assaulting and causing hurt to the complainant on 11.01.2024 even in this Cr.M.P. It is next submitted that it is false to say that the petitioners are residing separately from the husband of the complainant. It is next submitted that the material in the record is sufficient to constitute each of the offences in respect of which cognizance has been taken by the learned Judicial Magistrate-1st Class, Godda. It is next submitted that the petitioners administered some medicines to the husband of the complainant by which he became mentally disturbed and has been treated in mental hospital because of mental trauma. It is next submitted that on 15.02.2024, the petitioners assaulted and ousted the complainant from her matrimonial house.

9. So far as the contention of the petitioners, that there has been a compromise between the complainant and her husband is concerned, it is submitted by the learned Spl.P.P. appearing for the State and the learned

counsel for the opposite party No.2 that there is direct and specific allegation that the petitioners were instigating the husband of the complainant to perpetrate cruelty upon her but the husband of the complainant being a good man has realized his mistake and has entered into a compromise with the complainant, but that is not a ground to condone the offence committed by the petitioners, therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

10. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that unlike the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another (supra)**, in this case, there is direct and specific allegations against the petitioners of causing hurt to the complainant by assaulting her on 11.01.2024 between 09:00 AM to 10:00 AM in the house of the complainant besides that there is allegation of assault upon the complainant on 15.02.2024 and the allegation of abuse or assault on other dates also. Unlike the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another (supra)**, in this case, it is not the admitted case of the complainant that the petitioners do not reside with the complainant and her husband, so at best, the same can be a defence; which the petitioners can take in the full dress trial of the case. But in view of the direct and specific allegation against the petitioners of demanding dowry of Rs.2 lakhs to be brought by the complainant from her father which is sufficient to constitute the offence punishable under Section 4 of the Dowry Prohibition Act and the allegation that they were treating the

complainant with cruelty by harassing her and frequently abusing and assaulting her and threatening her that they will get the marriage of the husband of the complainant solemnized for the second time to coerce the complainant to meet their unlawful demand of Rs.2 lakhs to be brought by the complainant from her father, hence, this Court has no hesitation in holding that the same is sufficient to constitute the offence punishable under Section 498A of the Indian Penal Code.

11. So far as the offence punishable under Section 354C of the Indian Penal Code, keeping in view the direct and specific allegation against the petitioner no.2 of capturing the images of the complainant engaged in a private act and circumstances where she was usually having expectation of not being observed particularly when she is in her bedroom, hence, the petitioner no.2 also committed the offence punishable under Section 354C of the Indian Penal Code.

12. In view of the discussion made above, as the materials available in the record is sufficient to constitute the offences in respect of which cognizance has been taken by the learned Judicial Magistrate-1st Class, Godda, if the entire allegations made against the petitioners are considered to be true in their entirety, hence, this Court is of the considered view that the ratio of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another (supra)** is not applicable to the facts of this case because of the major difference in the facts of the two cases and there is no justifiable reason to accede to the prayer of the petitioners

made in this Cr.M.P. in exercise of the power under Section 482 of the Code of Criminal Procedure.

13. Accordingly, this Cr.M.P., being without any merit, is dismissed.

14. In view of disposal of the instant Cr.M.P., the interim relief granted vide order dated 28.07.2025 is vacated.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 25th of November, 2025
AFR/ Abhiraj

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