IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15817 of 2017

Arising Out of PS. Case No.-3219 Year-2015 Thana- SARAN COMPLAINT CASE District- Saran

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1. Nadeem Zeoul Son of Zeoul Hafiz,
2. Zeoul Hafiz, Son of Late Abdul Hafiz,
3. Aasma Khatoon, wife of Zeoul Hafiz,
4. Tabassum @ Ward Tabbasum, wife of Khalid Khan, Daughter of Zeoul Hafiz,
5. Nargis Zaya, Daughter of Zeoul Hafiz, All are resident of Village- Kushi Barwa, P.S.- Sikta, District- West Champaran.

... ... Petitioner/s

Versus

1. State Of Bihar
2. Rehana Khatoon, Daughter of Nazir Khan, resident of Manpur, P.O.- Khaira, P.S.- Khaira, Distt- Saran.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhagya Narayan Jha, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL JUDGMENT
Date : 21-08-2026

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present application with respect to petitioner No. 1, namely, Nadeem Zeoul.

3. Permission is granted.

4. This application is accordingly dismissed as withdrawn as against petitioner No. 1.

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5. Petitioners have prayed for quashing the order dated 30.03.2016 passed by learned 1st Class, Judicial Magistrate, Chapra in connection with Complaint Case No. 3219 of 2015 whereby cognizance has been taken against the petitioners for the offences punishable under Sections 379, 323, 498(A), 504 and 506 of the I.P.C.

6. The case of the prosecution, in brief, is that the complainant was married to Petitioner No. 1, Nadeem Zeoul Khan, in the year 2013 in accordance with Muslim rites and rituals, during which her parents provided clothes, utensils, ornaments, a gold ring, a gold chain, and ₹1,00,000 in cash. Following the marriage, the complainant moved to her matrimonial home and subsequently gave birth to a daughter named Aliya Khatoon. However, the petitioners subsequently began demanding an additional dowry of a Hero Honda motorcycle and ₹2,00,000 in cash, upon the complainant expressing her parents' inability to fulfill these demands, the petitioners subjected her to severe physical and mental cruelty by assaulting her with fists and slaps, locking her in a room without food, and issuing dire threats, specifically, petitioner No. 2 (father-in-law) threatened to burn her with a gas cylinder and dump her body into a well, petitioner Nos. 3 and 4 attempted to spray kerosene oil on her to set her on fire,

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and petitioner No. 6 threatened to kill her and throw her body into a well upon non-compliance. Ultimately, after persistent physical and mental torture, all the petitioners drove the complainant out of her matrimonial home.

7. Learned counsel for the petitioners has submitted that the petitioner No. 2 is father-in-law, petitioner No.3 is mother-in-law, while petitioner Nos. 4 and 5 are married sister-in-law and unmarried sister-in-law, respectively of the complainant. It has further been submitted that there is general and omnibus allegations against petitioner Nos. 2 to 5 of having confined the informant in a room and tried to burn her, when petitioner No.4 exhorted that if the demand is not fulfilled, the complainant would be killed and thrown into well. It has further been submitted that such allegation has purposely been leveled to give a specific allegation against these petitioners.

7.1. Learned counsel for the petitioners has relied upon the judgments of the Hon'ble Supreme Court in the case of ***Preeti Gupta v. State of Jharkhand*****,** reported in **(2010) 7 SCC 667**, ***Geeta Mehrotra v. State of U.P.*****,** reported in **(2012) 10 SCC 741**, ***Rajesh Sharma v. State of U.P.*****,** reported in **(2018) 10 SCC 472**, ***Kahkashan Kausar v. State of Bihar*****,** reported in **(2022) 6 SCC 599**, wherein, it has been held that the allegation under Sections

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498A I.P.C. against the relatives of the husband are general, vague and omnibus in nature without specific allegation of overt act, and as such continuation of criminal proceedings against the petitioners herein would amount to gross abuse of the process of Court.

7.2. It has lastly been submitted by learned counsel for the petitioner Nos. 2 to 5 that the present prosecution against the petitioners are attended with malice and personal vendetta and the same is vexatious in nature, moreover, the petitioners lived separate from the complainant and her husband and had got no concern with their day to day affairs.

8. Learned counsel for the State as well as learned counsel for the O.P. No.2 has vehemently opposed the prayer of the petitioners and has submitted that the petitioner Nos. 2 to 5 were actively involved in the commission of said offences against the complainant, and when a *prima facie* case has been found by the learned Magistrate, the proceedings against the petitioners may continue, while the order taking cognizance is good in law and on facts both.

9. Heard the parties and perused the record.

10. Considering the fact that the allegations are general and omnibus in nature in view of the judgment of the Hon’ble

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Supreme Court in the case of ***Abhishek v. State of M.P.*****,** reported in **(2023) 16 SCC 666 : 2023 SCC OnLine SC 1083 at page 669** and ***Preeti Gupta v. State of Jharkhand*****,** reported in **(2010) 7 SCC** 667, continuation of the proceedings against the petitioner Nos. 2 to 5 cannot be sustained.

11. In such view of the matter, order taking cognizance dated 30.03.2016 passed by learned 1st Class, Judicial Magistrate, Chapra in connection with Complaint Case No. 3219 of 2015, so far as the petitioner Nos. 2 to 5 are concerned, is hereby quashed. However, further proceedings against the petitioner No.1, namely, Nadeem Zeoul, shall continue.

12. Accordingly, the present application stands allowed.

(Praveen Kumar, J)

Abdus/-

AFR/NAFR	NAFR
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