

.... Petitioner

Versus

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioner : Mr. **Indrajit Sinha**, Advocate

: Ms. Ashwini Priya, Advocate

For the State : Ms. Pankaj Kumar, P.P.

For O.P. No.2 : Mr. Sanjay Kr. Sinha, Advocate

: Mr. Ashok Kr. Sinha, Advocate

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By the Court:-

I.A. No.11221 of 2026

1. Heard the parties.
2. This interlocutory application has been filed with the prayer for early hearing of this criminal miscellaneous petition.
3. Since, hearing of this criminal miscellaneous petition is taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No. 483 of 2025

1. Heard the parties.
2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the entire criminal proceeding including the order dated 11.06.2024 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the Complaint Case whereby and where under, learned Judicial Magistrate 1st Class-XXI, Ranchi has found *prima facie* case for the offence punishable under Section 498A of the Indian Penal Code and passed the summoning order; as also to quash the order dated 10.04.2026 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the said Complaint Case by which the learned Judicial Magistrate 1st Class-XXI, Ranchi rejected the petition filed under Section 245 of Cr.P.C. in Misc. Criminal Application.
3. The brief fact of the case is that the opposite party no.2 herein being the complainant filed Complaint Case alleging therein that she married the petitioner after coming to know about the petitioner through a matrimonial website. After marriage the petitioner taunted the complainant about her complexion and commented about her introvert personality and also

alleged that the complainant is having low I.Q. and poor communication skills and also held the complainant responsible for the disease which the petitioner started suffering from and ultimately the petitioner requested the complainant to stay separately from him; after which the complainant-opposite party no.2 went to her younger sister's house at Bangalore and subsequently she went to Kolkata to her elder sister's house, where her parents were also there and ultimately the petitioner did not allow the complainant to return to resume conjugal life with the petitioner and retained the *stree dhan* property of the complainant worth Rs.35,00,000/- and the petitioner later on filed a suit for divorce in the Family Court, Ranchi wherein, it was mentioned that *stree dhan* of the opposite party no.2 was returned though in fact, the same was not returned.

4. On the basis of the complaint, statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate 1st Class-XXI, Ranchi found *prima facie* case for the offence punishable under Section 498A of the Indian Penal Code and passed the summoning order. On 10.04.2026, the learned Judicial Magistrate 1st Class-XXI, Ranchi took up the petition under Section 245 of Cr.P.C. filed by the petitioner and after considering the facts of the case and

the law, came to the conclusion that from materials available in the record it cannot be said at this stage that the allegation against the accused person is groundless and dismissed the petition for discharge and fixed the case for framing of charge.

5. It is submitted by the learned counsel for the petitioner that charge has not yet been framed and the case is next fixed to 18.08.2026 for consideration of framing of charge.

6. Learned counsel for the petitioner relying upon the judgment of the Hon'ble Supreme Court of India in the case of **Achin Gupta vs. State of Haryana & Anr.** reported in **(2025) 3 SCC 756** wherein, in paragraph no. 32 of the said judgment, the Hon'ble Supreme Court of India observed that in all cases, where wife complains of harassment or ill-treatment, Section 498A of Indian Penal Code cannot be applied mechanically.

7. Learned counsel for the petitioner next relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Sanjay D. Jain & Ors. vs. State of Maharashtra & Ors.** reported in **2025 SCC OnLine SC 2090** and submits that in paragraph no. 9 therein, it has been observed by the Hon'ble Supreme Court of India that vague and general allegations cannot lead to forming of a *prima facie* case. It is next submitted by the learned counsel

for the petitioner 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 Indian Penal Code is not made out. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

8. Learned Public Prosecutor and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer of the petitioner and submits that there is direct and specific allegation against the petitioner of perpetrating cruelty upon the complainant by taunting her about her complexion and passing comments regarding having low I.Q. and lack of communication skills which is sufficient to constitute the offence punishable under Section 498A of the Indian Penal Code. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

9. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, the essential ingredients to constitute the offence punishable under Section 498A of the Indian Penal Code are as under :-

- (1) A woman was married;
- (2) She was subjected to cruelty;
- (3) Such cruelty consisted in-

- (i) any wilful conduct as was likely to drive such woman to commit suicide or to cause grave injury or danger to her life, limb or health whether mental or physical;
- (ii) harm to such woman with a view to coercing her to meet unlawful demand for property or valuable security or on account of failure of such woman or any of her relations to meet the lawful demand;
- (iii) the woman was subjected to such cruelty by her husband or any relation of her husband.

10. It is pertinent at this stage to refer to Section 498A of the Indian Penal Code which reads as under:-

“498-A. Husband or relative of husband of a woman subjecting her to cruelty. – *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation. – *For the purposes of this section, “cruelty” means –*

(a) *any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*

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

11. Now coming to the facts of the case, there is no allegation against the explanation (b) of Section 498A of

the Indian Penal Code in this case; as there is no allegation of any unlawful demand for any property or valuable security. So far as the explanation (a) is concerned, there is no allegation against the petitioner of indulging in any wilful conduct which is of such a nature as is likely to drive the complainant to commit suicide or to cause grave injury or danger to life, limb or health of the complainant. The only allegation is that the petitioner taunted the complainant about her complexion and commented about her low I.Q. and poor communication skills and this in the considered opinion of this Court by itself is insufficient to constitute the wilful conduct; as has been mentioned in explanation (a) of Section 498A of the Indian Penal Code to constitute cruelty.

12. Under such circumstances, 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 Indian Penal Code is not made out against the petitioner. Therefore, continuation of the criminal proceeding against the petitioner will amount to abuse of process of law and this is a fit case where the entire criminal proceeding including the order dated 11.06.2024 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the Complaint Case

as also the order dated 10.04.2026 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the said Complaint Case be quashed and set aside.

13. Accordingly, the entire criminal proceeding including the order dated 11.06.2024 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the Complaint Case as also the order dated 10.04.2026 passed by the learned Judicial Magistrate 1st Class-XXI, Ranchi in connection with the said Complaint Case is quashed and set aside.

14. In the result, this criminal miscellaneous petition is allowed.

15. In view of the disposal of this criminal miscellaneous petition interlocutory applications, if any, is disposed of being infructuous.

(Anil Kumar Choudhary, J.)