

CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Criminal) No. 3845 of 2026)

...Appellant (s)

...Respondent (s)

Leave granted.

2. The appellant is the mother-in-law of respondent no. 2, the complainant. The appellant calls in question the final order dated 10.11.2025 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.36569 of 2025, to the extent that the High Court declined to quash the criminal proceedings against her.

The proceedings arise from FIR No. 20 of 2024, dated 27.03.2024, registered at Mahila Police Station, Saran, initially for offences under Sections 354, 379, 498A and 34 of the Indian Penal Code, 1860. After investigation, Charge-sheet No. 36 of 2024, dated 22.07.2024, was filed under Sections 341, 323, 498A, 504 and 34 IPC. Cognizance was taken on 02.09.2024 in T.R. No. 3763 of 2024.

3. Digitally signed by
SWETA BALODI
Date: 2026.09.16
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Reason:

3. The marriage between respondent No.2 and the appellant's son was solemnised on 22.11.2015, whereafter the spouses ordinarily resided at Pune. It is alleged that during the COVID-19 period in 2020, they shifted to the family residence at Bada Telpa Chowk,

District Saran, where respondent No.2 was subjected to harassment by the accused persons.

The material incident concerning the appellant is alleged to have occurred on 15.02.2023, when respondent no.2 returned with her father to the matrimonial residence. It is alleged that the appellant and the sister-in-law abused her and that the appellant admitted having taken jewellery found missing from an almirah. The acts of catching respondent no. 2 by her hands and hair, assaulting her and tearing her clothes are specifically attributed to the father-in-law and brother-in-law, followed by the general assertion that all the accused beat her.

4. The statements of the complainant's parents principally concern the matrimonial discord between the spouses and do not attribute to the appellant any specific demand for property or distinct act causing hurt. Six persons from the neighbourhood stated that respondent no. 2 ordinarily lived in Pune and that they had neither seen nor heard of any harassment by the in-laws. The record discloses no recovery of jewellery and no injury report. Nevertheless, a common charge sheet was filed against the husband and four in-laws.

5. In the quashing petition filed by the appellant and the other in-laws, the High Court held that the allegations against the father-in-law, brother-in-law, and sister-in-law were general and omnibus, and it quashed the proceedings against them. However, the High Court neither quashed the proceedings against the appellant

nor recorded how the ingredients of the charged offences were made out against her.

Instead, the High Court directed the appellant and her son to participate in mediation, granted interim protection for four months and made its continuance depend upon which party was responsible for failure of mediation.

6. Learned counsel for the appellant submits that the allegations do not disclose the ingredients of the offences appearing in the charge sheet and that the criminal proceedings could not have been retained. Learned counsel for the respondents rely upon the allegations of abuse, assault and removal of jewellery. They submit that the appellant supported her son's conduct.

7. The Court must examine whether the allegations, taken at their face value, along with the material collected during the investigation, disclose the ingredients of the offences alleged against the particular accused. The principles in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 and *Kahkashan Kausar alias Sonam v. State of Bihar*, (2022) 6 SCC 599 permit interference where the allegations do not constitute an offence and caution against compelling relatives of the husband to face trial on general and omnibus allegations.

Tested on the aforesaid standard, the ingredients of Section 498A IPC are not disclosed against the appellant. No unlawful demand is attributed to her. The collective allegations of taunting, opposition to the marriage and harassment do not state

the particular conduct of the appellant or disclose wilful conduct of the degree contemplated by the provision. The later assertion that she failed to restrain her son cannot constitute cruelty or common intention without a corresponding factual foundation in the FIR or the material collected during investigation.

8. To attract Section 341 IPC, no act of wrongful restraint is attributed to the appellant.

As regards Section 323 IPC, the detailed acts of physical assault are attributed to the father-in-law and brother-in-law, against whom the criminal proceedings have been quashed by the High Court in the impugned order. The residual allegation against all the accused is undifferentiated, does not identify any particular act of the appellant and is not particularised by the material collected during investigation. However, the High Court, while quashing the proceedings against the other in-laws, did not distinguish the case of the appellant or record any reason for denying the relief of quashing qua the appellant.

For Section 504 IPC, neither the words used nor the facts showing an intentional insult likely to provoke a breach of peace are stated.

Section 34 IPC cannot supply the essential facts of the principal offences.

9. The allegation concerning the jewellery is undoubtedly more specific. However, after investigation, no charge under Section 379 IPC or any offence concerning entrustment or dishonest retention of

the jewellery was filed, and no recovery was effected. In the absence of the necessary connecting facts, that allegation cannot, by itself, be transposed into the distinct offences appearing in the charge-sheet.

10. We are, therefore, satisfied that the allegations and the material collected during the investigation do not disclose the necessary ingredients of Sections 341, 323, 498A and 504, read with Section 34 IPC, against the appellant. Continuation of the prosecution against her would amount to an abuse of the process of law.

11. Consequently, the appeal is allowed. The impugned final order dated 10.11.2025 is set aside to the extent that it declines quashing the criminal proceedings as against the appellant herein. Therefore, all subsequent criminal proceedings/processes arising out of FIR no. 20 of 2024 dated 27.03.2024 registered at Mahila Police Station, Saran are quashed only insofar as they concern the appellant, Prabha Devi.

This order shall not affect the proceedings against the husband, which shall be considered on their own merits.

12. Pending application(s), if any, shall stand disposed of.

.....J.
[SATISH CHANDRA SHARMA]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;

SEPTEMBER 08, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3845/2026

[Arising out of impugned final judgment and order dated 10-11-2025 in CRM No. 36569/2025 passed by the High Court of Judicature at Patna]

PRABHA DEVI

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No. 56184/2026 - EXEMPTION FROM FILING O.T.)

Date : 08-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Ms. Surabhi Sanchita, AOR
Mr. Pratap Singh, Adv.

For Respondent(s) :Mr. Azmat Hayat Amanullah, AOR
Ms. Vanshita Gupta, Adv.

Mr. S. Parthasarathi, AOR

Upon hearing the counsel, the Court made the following
O R D E R

1. Leave granted.
2. The appeal stands allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(SHUBHAM SONI)
COURT MASTER (SH)

(KOMAL)
COURT MASTER (NSH)

(Signed order is placed on the file)