

Dr. Sushil Kumar Purbey & Anr.

v.

The State of Bihar and Ors.

(Criminal Appeal No. 1234 of 2026)

09 March 2026

[Vikram Nath* and Sandeep Mehta, JJ.]

Issue for Consideration

Issue arose whether the High Court erred in granting the relief of quashing solely to sister-in-law, on the ground that the allegations against her were general in nature, while declining the same relief to the appellants-parents-in-laws.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.482 – Penal Code, 1860 – ss.341, 323, 498A and 34 – Dowry Prohibition Act, 1961 – ss.3 and 4 – Dowry case against in-laws – Quashing of criminal proceedings – FIR by complainant-wife against her husband, parents-in-law-appellants, and sister-in-law alleging that she was subjected to persistent torture and cruelty, on account of dowry demands, that the husband physically assaulted her, and on the day FIR was filed, accused persons, attempted to strangulate her – Seperate complaint filed before Judicial Magistrate making further allegations against the accused persons – Appellants filed application for anticipatory bail, which was allowed – Judicial Magistrate took cognizance of the offences – Petition by parents-in-laws and sister-in-law seeking quashing of the order whereby Judicial Magistrate taking cognizance of the offences – High Court quashed the proceedings against sister-in-law, however dismissed the petition as regards the appellants – Correctness:

Held: High Court erred in restricting the quashing of criminal proceedings only to the sister-in-law – Comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the appellants are, in all material particulars,

* Author

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identical – FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them – Lone allegation that stands separately against the appellants is that they would quarrel does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences for which the appellants have been summoned – Standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the appellants, and there is no principled basis for distinguishing between them – Husband filed the divorce petition as early as 21 months after the marriage – Criminal complaint against appellants was, however, lodged nearly a year after the filing of the divorce petition – Though this delay, standing alone, would not constitute a sufficient ground for quashing the criminal proceedings against appellants, however, viewed in conjunction with the absence of any specific allegations attributable to them, the delay lends credence to the submission that the criminal complaint against the in-laws may have been instituted by way of a counter-blast to the divorce proceedings initiated by the husband – When these considerations are read together, continuation of the criminal proceedings against the appellants cannot be sustained – High Court erred in applying different standards to persons who stand on an identical footing insofar as the nature of the allegations against them is concerned – Since the allegations against the appellants and sister-in-law are, in substance, the same, the reasoning that led the High Court to quash the proceedings against sister-in-law ought equally to have led to the quashing of proceedings against the appellants – Impugned order, to the extent that it declined to extend such relief to the appellants, cannot be sustained and set aside. [Paras 10, 11]

List of Acts

Penal Code, 1860; Dowry Prohibition Act, 1961; Hindu Marriage Act, 1955; Code of Criminal Procedure, 1973.

List of Keywords

Dowry demands; Anticipatory bail; Cognizance of the offences by Judicial Magistrate; Quashing of proceedings.

Dr. Sushil Kumar Purbey & Anr. v. The State of Bihar and Ors.**Case Arising From**

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 1234 of 2026

From the Judgment and Order dated 08.08.2023 of the High Court of Judicature at Patna in CRLM No. 70355 of 2022

Appearances for Parties

Advs. for the Appellant(s):

Shivam Singh, Rohit Kumar Singh, Lal Babu Singh, Rana Prashant, Akash Kumar, Mahender Rathour.

Advs. for the Respondent(s):

Bharat Sangal, Sr. Adv., Anshul Narayan, Mrs. Vineeta Singh, Anshuman Harsh, Prem Prakash, Hemant Kumar Tripathi, Nagarkatti Kartik Uday.

Judgment / Order of the Supreme Court**Judgment**

Vikram Nath, J.

1. Leave granted.
2. The present appeal arises from the judgment and order dated 8th August 2023 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 70355 of 2022. By the impugned order, the High Court quashed the criminal proceedings against one of the accused, namely, the sister-in-law of the complainant (respondent no. 3), while declining to extend the same relief to the present accused-appellants, who are the father-in-law and mother-in-law of the complainant (respondent no. 2).
3. The facts giving rise to the present appeal, shorn of unnecessary details, are as follows:
 - 3.1. The complainant married Dr. Rishi Raj, the son of the present appellants, on 8th July 2019.
 - 3.2. On 31st March 2021, the husband instituted a divorce petition against the complainant under Section 13 of the Hindu

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Marriage Act, 1955¹, before the Principal Judge, Family Court, Darbhanga, Bihar.

- 3.3. On 18th March 2022, the complainant submitted a written report, on the basis of which First Information Report² No. 81/2022 was registered under Sections 341, 323, 498A and 34 of the Indian Penal Code, 1860³, and Sections 3 and 4 of the Dowry Prohibition Act, 1961⁴, at Police Station Lalit Narayan University, District Darbhanga, Bihar, against the husband, the two appellants herein, and the sister-in-law.
- 3.4. The complainant alleged that, soon after the marriage, she was subjected to persistent torture and cruelty, particularly on account of demands for a BMW car and other valuable articles, which she was unable to fulfil. It was further alleged that the husband physically assaulted her, and that on 18th March 2022, the accused persons, acting in concert, tied a sheet around her neck and strangled her with the intent to cause her death.
- 3.5. The complainant additionally filed Complaint Case No. 790/2022 before the Chief Judicial Magistrate, Hajipur, Vaishali, Bihar, wherein she made further allegations against the same accused persons.
- 3.6. The appellants filed an application for anticipatory bail, which was allowed by the Trial Court vide order dated 12th April 2022.
- 3.7. Pursuant to the investigation arising out of FIR No. 81/2022, the police report was submitted on 5th June 2022.
- 3.8. The Judicial Magistrate, vide order dated 7th September 2022, took cognizance of offences under Sections 341, 323, 498A and 34 of the IPC and Sections 3 and 4 of the Dowry Act against the husband, the appellants herein, and the sister-in-law, in L.M.N.U. P.S. Case No. 81 of 2022.

1 In short "HMA"

2 In short "FIR"

3 Hereinafter, referred to as "IPC".

4 Hereinafter, referred to as "Dowry Act".

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- 3.9. On 23rd November 2022, the appellants, along with the sister-in-law (respondent no.3), filed a petition under Section 482 of the Code of Criminal Procedure, 1973⁵ seeking quashing of the order dated 7th September 2022, whereby the Judicial Magistrate had taken cognizance of the aforesaid offences.
- 3.10. The High Court, by the impugned order, partly allowed the petition for quashing, but only insofar as the sister-in-law of the complainant was concerned. The High Court held that the allegations against her were general and omnibus in nature, and therefore insufficient to sustain criminal proceedings. However, the petition was dismissed with respect to the present appellants being the father-in-law and mother-in-law of the complainant with the High Court taking a view that prima facie case had been made out against them.
- 3.11. Aggrieved by the said order, the present appellants have approached this Court.
4. We have heard the learned counsel appearing for the appellants, the learned counsel for the respondent-State, and the learned senior counsel for the complainant-Respondent No. 2 at length, and have also perused the material placed on record.
5. Learned counsel for the appellants submits that the High Court erred in confining the grant of quashing relief solely to sister-in-law, on the ground that the allegations against her were general in nature, while declining the same relief to the appellants. It is contended that the allegations against the present appellants are equally general and omnibus and that no specific role has been attributed to them in the complaint. It is accordingly submitted that the criminal proceedings against the appellants also merit quashing. It is further submitted that the FIR in question is, in substance, a counter-blast to the divorce petition filed by the husband. In this regard, it is pointed out that whereas the FIR makes no mention of any dowry in the form of a motor vehicle, the complainant within a period of twelve days, supplemented and improved upon her initial version in the complaint filed before the Chief Judicial Magistrate, adding fresh allegations

5 Hereinafter, referred to as "CrPC".

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to the effect that her family had given a Maruti car as dowry. It is submitted that such material improvements to the initial account cast serious doubt on the credibility of the complaint.

6. Per contra, the learned senior counsel for the complainant submits that the allegations against the present appellants are specific and cannot be characterised as general or omnibus. It is further submitted that the trial is at an advanced stage and that the recording of prosecution evidence is already underway. Attention is also drawn to the fact that the High Court has directed the Trial Court to conclude the proceedings within a period of one year. In view of these circumstances, it is urged that the appellants ought to be required to face trial and that this Court should not interfere with the criminal proceedings at this stage.
7. Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (respondent no.3). A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 of the IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them.
8. It is further pertinent to note that the marriage was solemnised in July 2019, and the husband filed the divorce petition as early as March 2021. The criminal complaint against the appellants was, however, lodged only in March 2022, nearly a year after the filing of the divorce petition. Though this delay, standing alone, would not

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constitute a sufficient ground for quashing the criminal proceedings against the appellants. However, viewed in conjunction with the absence of any specific allegations attributable to them, the delay lends credence to the submission that the criminal complaint against the in-laws may have been instituted by way of a counter-blast to the divorce proceedings initiated by the husband. When these two considerations are read together, we are satisfied that the continuation of the criminal proceedings against the present appellants cannot be sustained.

9. Before moving forward, we consider it necessary to clarify that the observations made hereinabove are confined to the question of the maintainability of the criminal proceedings against the present appellants, and must not be construed as an expression of any opinion on the merits of the case as a whole. The criminal proceedings against the husband shall continue in accordance with law. We note, in this context, that the husband did not seek quashing of the proceedings against him before the High Court under Section 482 of the CrPC; it was only the present appellants and the sister-in-law who did so. The husband is also not before this Court in the present appeal. We therefore find no occasion to comment upon the allegations levelled against him, and the proceedings against him shall be governed by law.
10. In view of the foregoing, we are of the considered opinion that the High Court erred in applying different standards to persons who stand on an identical footing insofar as the nature of the allegations against them is concerned. Since the allegations against the present appellants and the sister-in-law are, in substance, the same, the reasoning that led the High Court to quash the proceedings against the sister-in-law ought equally to have led to the quashing of proceedings against the present appellants. The impugned order, to the extent that it declined to extend such relief to the appellants, cannot be sustained.
11. Accordingly, the impugned judgment and order dated 8th August 2023 passed by the High Court is set aside to the extent that it refused to quash the criminal proceedings against the present appellants. Consequently, all proceedings arising out of L.N.M.U. P.S. Case No. 81 of 2022, registered under Sections 341, 323, 498A and 34 of the

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Indian Penal Code, 1860, read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, are hereby quashed insofar as the present appellants are concerned.

12. In the result, the present criminal appeal is allowed in the above terms.
13. Pending application(s), if any, stand(s) disposed of.

Result of the case: Criminal appeal allowed.

[†]Headnotes prepared by: Nidhi Jain