

2026 SCC OnLine SC 338

In the Supreme Court of India
(BEFORE VIKRAM NATH AND SANDEEP MEHTA, JJ.)

Dr. Sushil Kumar Purbey and Another ... Appellants;

Versus

State of Bihar and Others ... Respondents.

Criminal Appeal No.....of 2026 (Arising Out of SLP

(CRL.) No. 3075/2024)^s

Decided on March 9, 2026

Criminal Law — Criminal Procedure Code, 1973 — Section 482 — Inherent Powers of High Court — Quashment of proceedings — Quashment re family/marital/dowry, etc. disputes — *S. 482 r/w Ss. 341, 323, 498-A & 34, Penal Code, 1860 r/w Ss. 3 & 4, Dowry Prohibition Act, 1961 — Criminal proceedings filed against husband and in-laws — Allegations of dowry harassment by daughter-in-law — Additional allegation against father/mother-in-law (appellants) regarding frequent quarrels — Patna High Court quashed proceedings against sister-in-law while declining relief to the appellants — Held, quarrelling with daughter-in-law not criminal offence; can't sustain cognisance under IPC & Dowry Prohibition Act by itself — Criminal Law — Penal Code, 1860 — Section 498-A — Cruelty by Husband or his Relatives — Trial, Proof and Other issues — Quashment/Discharge/Dismissal of complaint/Compromise/Redressal of harm — Ss. 341, 323, 498-A & 34 — Criminal Law — Crimes Against Women and Children — Dowry Prohibition Act, 1961 — Ss. 3 & 4*

While considering this appeal revolving around a criminal case arising from a marital dispute, the Division Bench of Vikram Nath and Sandeep Mehta, JJ., upon perusing the FIR filed against the in-laws, noted that the lone allegation that stood separately against the father/mother-in-law (appellants) vis-a-vis allegations levelled against sister-in-law, was that the appellants would quarrel with the estranged daughter-in-law (complainant). The Court pointed out that quarrelling does not constitute a criminal offence and cannot by itself, sustain cognizance of the offences under Sections 341, 323, 498-A and 34, Penal Code, 1860 (IPC) and Sections 3 and 4, Dowry Prohibition Act, 1961 (Dowry Act).

Background and Legal Trajectory:

The complainant married the appellants' son in July 2019. In 2021, the husband instituted a divorce petition against the complainant under Section 13, Hindu Marriage Act, 1955. Thereafter, in 2022, the complainant registered an FIR under Sections 341, 323, 498-A and 34 IPC and Sections 3 and 4, Dowry Act against the husband, the appellants herein, and the sister-in-law, alleging that she was

subjected to persistent torture and cruelty, particularly on account of demands for a BMW car and other valuable articles. The complainant further alleged that the husband physically assaulted her, and that they also strangled her with the intent to cause her death.

The Judicial Magistrate took cognizance of against the husband, the appellants and the sister-in-law. Thereafter, the appellants and the sister-in-law filed a petition under Section 482, Criminal Procedure Code, 1973 (CrPC) seeking quashment of the Judicial Magistrate's cognizance. Vide the impugned order, Patna High Court partly allowed the petition for quashing, but only insofar as the sister-in-law of the complainant was concerned, holding that the allegations against the sister-in-law were general and omnibus in nature. However, the High Court declined to grant quashment to the appellants, opining that prima facie case had been made out against them.

Court's Assessment

Perusing the facts and contentions raised by the counsels for the parties, the Court opined that the High Court erred in dismissing the appellants' quashment petition and restricting the relief only to the sister-in-law.

Examining the FIRs filed against the appellants and the sister-in-law, the Court pointed out that the allegations levelled against the sister-in-law and those against the appellants were identical and the FIR did not assign any specific or overt act to either appellant. The only thing different in the allegations were that the complainant had alleged that the appellant quarrelled with her. Upon this, the Court clarified that quarrelling with daughter-in-law is not a criminal offence and cannot sustain cognizance under provisions of IPC and Dowry Act.

The Court pointed out that 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, applied with equal force to the appellants; thus, there was no principled basis for distinguishing between them.

The Court further noted that the complainant lodged an FIR in 2022, i.e., one year after the husband filed for divorce. The Court stated that though this delay, standing alone, would not 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 lent credence to the contention 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."*

The Court clarified that its observations in the present case have been confined to the question of the maintainability of the criminal proceedings against the appellants and must not be construed as an expression of any opinion on the merits of the case as a whole. It was noted that the husband did not seek any quashment of criminal proceedings initiated against him.

The Court held that the High Court erred in applying different standards to persons who stood on an identical footing insofar as the nature of the allegations against them was concerned. Since the allegations against the appellants and the sister-in-law were same in substance, the High Court's reasoning that led to quashing the proceedings against the sister-in-law should have led to the quashing of proceedings against the appellants as well.

Therefore, the impugned order to the extent that it declined to extend relief to the appellants, was set aside. Thus, the Court quashed proceedings against the appellants for offences under Sections 341, 323, 498-A and 34, IPC read with Sections 3 and 4, Dowry Act.

Advocates who appeared in this case:

Mr. Rohit Kumar Singh, AOR, Mr. Lal Babu Singh, Adv., Mr. Rana Prashant, Adv., Mr. Akash Kumar, Adv., Mr. Mahender Rathour, Adv., For Petitioner(s)

Mr. Bharat Sangal, Sr. Adv., Mr. Hemant Kumar Tripathi, Adv., Mr. Nagarkatti Kartik Uday, AOR, Mr. Anshul Narayan, Addl. Standing Counsel, Adv., Mrs. Vineeta Singh, Adv., Mr. Anshuman Harsh, Adv., Mr. Prem Prakash, AOR, For Respondent(s)

The Judgment of the Court was delivered by

VIKRAM NATH, J.:— Leave granted.

2. The present appeal arises from the judgment and order dated 8-8-2023 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 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 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 8-7-2019.

3.2. On 31-3-2021, the husband instituted a divorce petition against the complainant under Section 13 of the Hindu Marriage Act, 1955¹, before the principal Judge, Family Court, Darbhanga, Bihar.

3.3. On 18-3-2022, 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 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 18-3-2022, 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 12-4-2022.

3.7. Pursuant to the investigation arising out of FIR No. 81/2022, the police report was submitted on 5-6-2022.

3.8. The Judicial Magistrate, vide order dated 7-9-2022, took cognizance of offences under Sections 341, 323, 498A and 34 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.

3.9. On 23-11-2022, the appellants, along with the sister-in-law (Respondent 3), filed a petition under Section 482 of the Criminal Procedure Code, 1973⁵ seeking quashing of the order dated 7-9-2022, 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 2 at length, and have also perused the material placed on record.

5. The 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 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 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 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 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 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 8-8-2023 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 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.

¹ In short "HMA"

² In short "FIR"

³ Hereinafter, referred to as "IPC".

⁴ Hereinafter, referred to as "Dowry Act".

⁵ Hereinafter, referred to as "CrPC".

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