

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20228 of 2026**

Arising Out of PS. Case No.-18 Year-2026 Thana- GANDHIMAIDAN District- Patna

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... .. Petitioner

Versus

1. The State of Bihar

2.

... .. Opposite Parties

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**Appearance :**

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| For the Petitioner/           | : | Mrs. Archana Sinha, Senior Advocate  |
|                               |   | Mr. Brisketu Sharan Pandey, Advocate |
| For the Opposite Party-State: |   | Mr. Nand Kishore Prasad, APP         |
| For the Opposite Party No.2 : |   | Mr. Amit Srivastava, Senior Advocate |
|                               |   | Mr. Sanjeev Kumar Sanju, Advocate    |
|                               |   | Mr. Girish Pandey, Advocate          |
|                               |   | Mr. Sunil Kumar, Advocate            |
|                               |   | Mr. Bhaskar Sandilya, Advocate       |
|                               |   | Mr. Ravi Kumar, Advocate             |

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**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**C.A.V. JUDGMENT**

**Date : 29-07-2026**

Heard Mrs. Archana Sinha, learned Senior Counsel

appearing on behalf of the petitioner,

learned Additional Public Prosecutor for the State and Mr. Amit

Srivastava, learned Senior Counsel appearing on behalf of

opposite party No.2.

2. The petitioner is seeking quashing of the first information report giving rise to Gandhi Maidan Police Station Case No. 18 of 2026, dated 09.01.2026, registered for the offences punishable under Sections 126(2), 115(2), 85, 352 and 351(2) of



the Bharatiya Nyaya Sanhita, 2023, read with Section 3(5) thereof and all the proceedings as against the petitioner arising out of it.

3. The *fardbayan* of the informant was recorded, at 17:10 hours, on 09.01.2026, by a Sub Inspector of Kadam Kuan Police Station, and it was recorded not at the police station, but at the ground floor of the informant's residence at 56/47, Nala Road, Kadam Kuan. The place of occurrence being Hotel Maurya, the *fardbayan* was forwarded to Gandhi Maidan Police Station and accordingly Gandhi Maidan Police Station Case No. 18 of 2026 came to be registered on the same day. In the said *fardbayan*, the occurrence is shown as having taken place between 07:30 P.M. and 08:30 P.M. on 07.01.2026, that is to say within the space of an hour on a single evening. Five persons are named in it. Besides the petitioner, who is the husband of the informant, they are two brothers-in-law (*devars*), one sister-in-law (*nanad*) and one brother-in-law (*nandoi*) of the informant. Only the husband has come to this Court.

4. The prosecution case, as it appears from the *fardbayan*, is that the informant was married to the petitioner in the year 2010. It is alleged that from soon after the marriage, the informant was subjected to mental and physical harassment by the petitioner and the other four relatives named by her and that the



conduct of the petitioner grew more violent after the birth of the two daughters. The informant, in her *fardbeyan*, has also referred to the applications made by her at New Ashok Nagar Police Station in Delhi and to the proceedings pending in the courts at Delhi. The informant has also stated in her *fardbeyan* that she holds CCTV footage, which she is willing to produce. It is also alleged that when her parents visited Delhi, the petitioner assaulted them and spat at her mother, and that a *sanha* was lodged in that regard. The informant has also alleged that in 2019, on a visit to her matrimonial home, the two *devars* and the *nandoi* touched her inappropriately and since then she has stopped going there. It is also alleged that the Delhi High Court has directed for installation of cameras at her house for her safety.

4.1. The part of the *fardbayan* that concerns the present occurrence is short and it is set out here in substance. It is alleged that the petitioner and the younger *devar* prepared papers relating to a divorce and pressurized her to sign them, which she refused. It is further alleged that the petitioner thereafter persuaded her, on the assurance that a settlement would be arrived at, to come to Hotel Maurya at Patna on 07.01.2026, where Room No. 215 was booked for her and her two daughters, whereas the petitioner booked a separate room for himself. It is further alleged that the



petitioner told her that his parents were coming to talk, however, nobody came. It is further alleged that on the same evening, between about 07:00 P.M. and 08:00 P.M., the petitioner again pressurized her to sign the papers, which she describes as papers relating to divorce and for custody of the daughters. It is further alleged that on her refusal, the petitioner badly beaten her and the marks whereof are on her body. It is further alleged that prior to the said occurrence, the parents of the informant had reached at the said hotel to meet her and the petitioner also threatened them that his brother Yaduvendra held a licensed pistol with which he would kill her family. Thereafter, it is alleged that out of fear, the informant shut herself in her room. It is further alleged that on 08.01.2026, her father came to the hotel with the police, and she left with the two daughters for her house at Nala Road.

5. Learned Senior Counsel appearing on behalf of the petitioner has submitted that the allegations, taken at their highest, do not make out any of the offences alleged in the FIR. It has further been submitted that on account of matrimonial discord prevailing between the parties, several cases were filed by the informant-opposite party No.2 at Delhi, out of which several cases were withdrawn and the parties had entered into a mediated settlement agreement dated 23.09.2025 arrived at before the



Mediation and Conciliation Centre of the Delhi High Court, under which the allegations then existing were given up by both the sides, and that in pursuance of it, the suit filed by the petitioner was withdrawn on 26.11.2025, which order is on record as Annexure P/7. It has further been submitted that the present first information report came to be registered as a measure of retaliation, the parties having by then been in litigation across two States, and that the occurrence as narrated is inherently improbable. She has thus submitted that this is a fit case for quashing of the impugned FIR and all the subsequent proceedings arising thereof.

6. Learned Additional Public Prosecutor for the State and learned Senior Counsel appearing on behalf of the opposite party no. 2 opposed the petition. Learned Senior Counsel appearing on behalf of the opposite party no. 2 has submitted that the cause of action for this first information report arose after the settlement between the parties and is wholly independent of it and that it is the own pleading of the opposite party no. 2 that the relations between the parties remained cordial from 23.09.2025 until the end of December 2025. Learned Senior Counsel appearing on behalf of the opposite party no. 2 has relied on the referral of the informant for medical examination and on the



discharge ticket of the Patna Medical College and Hospital dated 10.01.2026, on the statement of the informant recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Magistrate on 12.01.2026, and on a video recording of an earlier incident said to have taken place at Delhi on 04.01.2026, which the informant is ready to produce. He has placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Neeharika Infrastructure Private Limited v. State of Maharashtra*, AIR 2021 SC 1918 to submit that the investigation is at a nascent stage and the same ought not to be interfered with. He also submitted that the petitioner, being an Advocate by profession, has used his position to institute proceedings against the opposite party no. 2.

7. This Court has heard the matter at length and has gone through the fardbayan, the counter affidavit of the opposite party no. 2 with its annexures, the rejoinder and the supplementary affidavits.

8. The parameters within which this jurisdiction is to be exercised are settled by the Hon'ble Supreme Court in the case of *State of Haryana v. Bhajan Lal*, reported in 1992 Supp (1) SCC 335. The seven categories set out at paragraph 102 of that



judgment continue to govern. Of them, the first, the third, the fourth and the seventh arise here.

8.1. So far as the scope of the enquiry, which a High Court may undertake is concerned, the Hon'ble Supreme Court in the case of *Mahmood Ali v. State of Uttar Pradesh*, reported in **2023 SCC OnLine SC 950**, which was itself a case of quashing of a first information report at the threshold with the investigation still pending, has held at paragraphs 11, 12 and 13, as under:

*“11. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.*

*12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the*



*purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.*

*13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”*

8.2. In the judgment, in the case of ***Dara Lakshmi Narayana v. State of Telangana***, reported in (2025) 3 SCC 735, the Hon'ble Supreme Court has observed at paragraph 30 that there has been a growing tendency to misuse the provision as a tool for unleashing personal vendetta against the husband and his family, that vague and generalized allegations made during matrimonial conflicts, if not scrutinized, lead to the misuse of legal processes and to an encouragement for the use of arm twisting tactics, and that recourse is sometimes taken to invoke the provision in order



to seek compliance with the unreasonable demands of a wife. At the paragraph immediately following, the Court was careful to add that it was not for a moment suggesting that a woman who has suffered cruelty should remain silent or forbear from setting the criminal law in motion. Both the aforesaid observations have been kept in view.

8.3. In the case of *Achin Gupta v. State of Haryana*, reported in (2025) 3 SCC 756, the Hon'ble Supreme Court, while dealing with the seventh category of *Bhajan Lal* (supra), has held at paragraph 30 as follows :

“30. We are of the view that Category 7 referred to above should be taken into consideration and applied in a case like the one on hand a bit liberally. If the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the charge-sheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter.”

8.4. At paragraph 31 of the judgment in the case of *Achin Gupta* (supra), it has been observed that the provision cannot be applied mechanically in every case where a wife complains of ill treatment, and added the remark that no first



information report is complete without Sections 506(2) and 323 of the Penal Code. The judgment in the case of *Mahmood Ali* (supra) was also adopted at paragraph 35.

8.5. In view of the law laid down by the Hon'ble Supreme Court, as discussed above, the submission advanced on behalf of the opposite party no. 2 that any such exercise would amount to a mini trial, in the opinion of this Court, is not correct. The truth of what the informant states has not been tested and this Court has proceeded on the footing that she may be right. What has been perused is her fardbayan, her counter affidavit along with the annexures thereto, and the orders and the settlement which the parties have themselves brought on record.

8.6. Before proceeding further, it is necessary to notice what is really in issue in the matter. Much of the *fardbayan* is taken up with matters of 2019 and of the years that followed, all of them at Delhi. Those grievances were the subject of proceedings between these parties at Delhi and they were composed by the mediated settlement of 23.09.2025. The opposite party no. 2 does not dispute the settlement. On the contrary, her own case in the counter affidavit is that the parties withdrew the cases filed against each other and that the relations between them remained cordial from 23.09.2025 until 31.12.2025. Once that is her own pleading,



the recitals in the *fardbayan* concerning the earlier years cannot be treated as the foundation of this prosecution. Thus, what remains for consideration is the occurrence of the first week of January, 2026.

8.7. On the aforesaid narrow field, the allegation is of a single episode at Hotel Maurya, and the report itself puts it no higher, on the evening of 07.01.2026. It has been set out already. The papers the informant was asked to sign are described by her, in her own words, as papers relating to divorce and for the custody of the daughters. What is alleged, therefore, is pressure to accept the terms of separation. That is a matrimonial negotiation, and an acrimonious one. It is not, without a good deal more, cruelty of the kind Section 85 speaks of. Cruelty for the purposes of Section 85 is defined not in an Explanation to that section, but in Section 86 of the Sanhita, the Explanation to Section 498A of the Penal Code having been recast as a separate provision. Clause (a) of Section 86 confines it to willful conduct of a nature likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb or health. Clause (b) covers harassment with a view to coercing her or any person related to her to meet an unlawful demand for property or valuable security. A demand that she sign a divorce petition and a custody arrangement answers neither clause.



It is not a demand for property. It is not a demand for valuable security. A solitary episode of the kind alleged does not answer clause (a) either.

8.8. The offence under Section 126(2) of the Bharatiya Nyaya Sanhita fails on the informant's own statement. Her case in the *fardbayan* is that after the threat, she shut herself in the room out of fear and that on the following day her father came with the police and she left. She does not say that the petitioner confined her. She says the opposite. In the counter affidavit filed in this Court, it is stated that the petitioner made her captive at the hotel and that she managed to escape. The two documents come from the same deponent and they do not say the same thing. Where the ingredient of restraint has to be found in the informant's own narration and her earliest narration negatives it, there is nothing left to investigate on that count.

8.9. The threat under Section 351(2) is a threat to the parents, its content being that the petitioner's brother holds a licensed pistol. The parents were at the hotel on her own showing. Neither has approached any police station, then or since. The father came there with the police the next morning and lodged nothing. He is the sole witness to the *fardbayan*. Section 352



stands on no better footing and nothing was said about it in argument.

8.10. The material relied upon by the opposite party no. 2 must be dealt with and this Court does not propose to pass it over. What is annexed to the counter affidavit as Annexure OP-2/B series is a referral letter of Kadam Kuan Police Station and a discharge ticket of the Patna Medical College and Hospital dated 10.01.2026. The counter affidavit describes this material as an injury report. It is not one and no injury report of the informant has been placed before this Court by either side. The discharge ticket records a reddish green contusion over the lumbar region with tenderness. It records that at the time of discharge, the blood pressure and the other parameters were normal. The management was conservative. The advice on discharge was a two day course of an antibiotic, a three day course of a proton pump inhibitor, an antiemetic and an analgesic each to be taken only if required and a multivitamin for ten days. She was discharged the next day. The two daughters have been with her at Nala Road since 08.01.2026. Whatever else this material may establish, it does not describe conduct of a nature likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb or health.



Therefore, in the opinion of this Court, Clause (a) of Section 86 is not attracted.

8.11. A contusion with tenderness would ordinarily answer the description of hurt and Section 115(2) asks for no more than that. The question here is a different one. It is whether that injury is referable to the occurrence, which this first information report is about. On that the opposite party no. 2 has bound herself. Her case on oath in the counter affidavit filed in this Court is that she was brutally assaulted by the petitioner on 04.01.2026 at her Delhi residence, that she came to Patna on 07.01.2026 with her two daughters because she was in fear of her life and that the petitioner followed her here. The *fardbayan* recorded on 09.01.2026 says nothing whatever about the incidence taken place on 04.01.2026. It places the assault at Hotel Maurya on the evening of 07.01.2026. These are not two accounts of a single incident. They are two different incidents, in two States, and each has been put forward as the reason for the other. If the opposite party no. 2 is to be taken at her word in this Court and there is no reason why she should not be, the injury found on examination is referable to what is said to have taken place at Delhi. About that nothing at all is said here. It is not the subject of this case, it finds no place in the *fardbayan*, and it did not occur within the



jurisdiction of Gandhi Maidan Police Station. For the occurrence of the evening of 07.01.2026, which is what this first information report is about, there is no medical material on the record.

8.12. The statement recorded under Section 183 of the Sanhita on 12.01.2026 does not carry the matter further. That statement, as the counter affidavit itself puts it, supports the prosecution version in the first information report. A statement, which repeats the first information report, cannot supply an ingredient that the first information report lacks. The proposition needs no authority.

8.13. Two matters ought to be recorded. During the hearing on 01.05.2026, a copy of an order said to have been passed by the Delhi High Court in a contempt proceeding was handed up on behalf of the petitioner. That order has not been brought on the record of this case by any party and no reliance has been placed upon it. Equally, this Court has not taken into account the several proceedings instituted by the petitioner after 09.01.2026, which are set out at paragraph 31 of the counter affidavit. Those proceedings came after this first information report and they cannot be used, in either direction, to colour what happened before it.

8.14. There is a further matter which follows from what has been held above which requires to be noticed. Neither



side addressed the Court upon it. It is, therefore, rested on nothing outside the record, which is to say on the statute on the one hand and on the pleading of the opposite party no. 2 on the other. The First Schedule to the Bharatiya Nagarik Suraksha Sanhita, 2023, classifies each of the offences alleged here. Section 85 is cognizable where the information is given by the aggrieved woman herself, or by a person related to her by blood, marriage or adoption, or failing any such relative by a notified public servant. That condition is satisfied, the *fardbayan* being her own, and it is recorded so that the qualification is not thought to have been overlooked. Section 126(2) is cognizable, but it is bailable and it carries simple imprisonment for one month. The remaining three, being Section 115(2), Section 351(2) and Section 352, are each classified as non cognizable and bailable. Section 3(5) finds no place in the Schedule at all, for it creates no offence of its own. The opposite party no. 2 puts the position no differently, the only two sections described as cognizable in paragraph 3 of her counter affidavit being Section 85 and Section 126(2). Once those two go, and for the reasons given above, they must, what is left is a body of non cognizable offences in respect of which no order of a Magistrate under Section 174(2) of the Sanhita was ever obtained.



The fourth category in ***Bhajan Lal*** (supra) covers that situation in terms.

8.15. Learned counsel for the opposite party no. 2 rested his principal submission on ***Neeharika Infrastructure Private Limited*** (supra). The said judgment has been rendered by a three Judges Bench and is binding upon this Court. The core question there was when a High Court may stay an investigation or direct that no coercive steps be taken while a quashing petition is pending and the Court expressly left the quashing petition itself to the High Court on its merits. The eighteen conclusions in paragraph 23 fall to be read in that setting. One of them was pressed. Conclusion (xv) says that when a prayer for quashing is made, the Court has only to consider whether the allegations in the first information report disclose the commission of a cognizable offence, that it is not required to consider on merits whether the allegations make out a cognizable offence, and that it must permit the police to investigate. Taken by itself and pressed to its furthest, that would leave a Court nothing to do in any case at all. It cannot be read in isolation. The same paragraph records at conclusion (iii) that it is only where no cognizable offence or offence of any kind is disclosed that the Court will not permit an investigation to go on and at conclusion (xiv) that the Court retains the jurisdiction to



quash, regard being had to the parameters in ***R.P. Kapur v. State of Punjab***, (AIR 1960 SC 866) and in ***Bhajan Lal*** (supra). The first of the ***Bhajan Lal*** (supra) categories is in terms a case where the allegations, taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence. These conclusions stand together if (xv) is understood to forbid an enquiry into whether the allegations are true, and (iii) to permit the Court to ask whether, assumed to be true, they answer the offence at all. That is the enquiry which has been made here and no other.

8.16. The same judgment cautions against interference where the police have not been allowed time. This first information report is of 09.01.2026 and the investigating officer has had more than six months with it, the materials being already on record.

8.17. Taking the *fardbayan* as it is, and reading it against the attending circumstances in the manner ***Achin Gupta*** (supra) requires, the position that emerges is that a marriage of sixteen years has broken down, that the parties composed their differences in September 2025 and withdrew their cases, that within days of the withdrawal being complete, they were at odds again over the terms on which the marriage would end and over the custody of the two daughters and that this first information



report was lodged in the course of that quarrel. The opposite party no. 2 herself instituted Matrimonial Case No. 423 of 2026 on 01.04.2026 seeking dissolution of the marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955. That she did so afterwards does not by itself falsify what she says about 07.01.2026, and it is not treated as doing so. It does show that the dispute between these parties was never about whether the marriage would end. It was about the terms. On what has been held above, the case falls within the first, the third and the fourth of the ***Bhajan Lal*** (supra) categories.

8.18. Learned counsel for the petitioner has pressed the seventh category with some vigour and it is necessary to deal with the same. There is force in the submission that the timing of this first information report, coming when it did upon a quarrel about the terms of separation, is not innocent. But a finding of mala fide is a serious one and it is not to be made upon inference alone. In ***Achin Gupta*** (supra), the Court had before it the closure report filed by the investigating agency against the other accused. In ***Dara Lakshmi Narayana*** (supra), there was a notice for dissolution of marriage, which the first information report answered. Nothing of that order is available here, the investigation being incomplete and the sequence of the divorce petition running



the other way. This paragraph is therefore an observation. The quashing does not proceed upon any finding of mala fide and may be read without it.

9. In the result, Gandhi Maidan Police Station Case No. 18 of 2026, and all proceedings arising out of it, are quashed so far as the petitioner Raghvendra Kishore Singh @ Raghvendra Singh is concerned.

10. The petition is allowed to that extent.

11. It is clarified that nothing in this order shall affect the matrimonial proceedings between the parties, or the guardianship and the domestic violence proceedings referred to in the pleadings, all of which will be decided on their own merits and without reference to any observation made here.

**(Praveen Kumar, J)**

Pawan/-

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