

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58439 of 2025

Arising Out of PS. Case No.-1318 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

-
1. Vinay Kumar S/o Late Manohar Ram Resident of Village- Sahbegpur, Ward No. 22, PS- Mokama, Distt.- Patna
 2. Rajni Devi W/o Late Manohar Ram Resident of Village- Sahbegpur, Ward No. 22, PS- Mokama, Distt.- Patna
 3. Pawan Kumar S/o Late Manohar Ram Resident of Village- Sahbegpur, Ward No. 22, PS- Mokama, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Vinay Kumar and D/o Dani Singh Resident of Village- Gonawan, PS- Harnaut, Distt.- Nalanda At present residing with her father in House No. B-728, Gautampuri, Phase No. 2, Badarpur (Jaitpur), PS- Badarpur, South Delhi, Delhi- 110044

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Arun, Advocate.
For the Opposite Party/s	:	Mrs.Meena Singh, APP.
For O.P. No.2	:	Mukesh Kumar Singh, Advocate.
		Mr. Shiopujan Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 09-12-2025

Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioners have preferred the application under Section 528 of BNSS for quashing the order taking cognizance dated 25.07.2019 passed by the learned Sub Divisional Judicial Magistrate, Nalanda at Bihar Sharif in Complaint Case No. 1318C of 2018 by which the learned



Magistrate has taken cognizance of offences against the petitioners under Section 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Prosecution story, in brief, is that the opposite party no. 2, Jyoti Kumari, filed a complaint on 25.10.2018 before the Chief Judicial Magistrate, Nalanda at Bihar Sharif alleging, *inter alia*, that her marriage was solemnized with petitioner no. 1 on 07.05.2017, at which time her father is said to have spent about Rs. 6 lakhs towards cash, ornaments and household articles. It is alleged that at the time of marriage, the father of petitioner no. 1 (now deceased) represented that his son was employed in the Railways and would secure permanent appointment in due course. After marriage, the complainant stayed for a short period at her matrimonial home at village Shahbegpur. She again went there on 13.06.2018, when, as alleged, her father-in-law, mother-in-law, husband and two brothers-in-law started subjecting her to cruelty and petitioner no. 1, at their instigation, demanded Rs. 1 lakh for purchase of land. It is alleged that she was abused, assaulted and denied food, compelling her to inform her father. Her parents and brother thereafter took her to Mokama Police Station and subsequently to the Women's Counselling Centre, whereafter



reconciliation took place and she was taken back to her matrimonial home. The complainant further alleges that on 12.07.2018, petitioner no. 1 again assaulted her in presence of other in-laws for not meeting the demand of money and, despite her illness, no medical care was provided. On 13.10.2018, her parents visited the matrimonial home and took her away for treatment. She states that she was pursuing a teacher-training course at Noorsarai, District Nalanda. It is further alleged that her ornaments and articles gifted at the time of marriage were unlawfully retained by her husband and in-laws, and therefore she was unwilling to return to her matrimonial home.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation levelled against the petitioners is false and concocted. He further submitted that petitioner no. 1 is the husband, petitioner no.2 is the mother-in-law and petitioner no.3 is the *dewar* of the opposite party no.2. Learned counsel further submitted that the allegation levelled against the petitioners is not specific rather general and omnibus. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be



referred for mediation.

5. Learned counsel appearing on behalf of the opposite party no.2 and the learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. It is commonly seen in the society that the entire family members, as well as, relatives are made accused along with the husband to face criminal prosecution. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court.

8. The law in respect of matrimonial dispute between husband and wife is well settled, at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. From perusal of the complaint, it is evident that there is no specific allegation against the petitioner no.3, who is the *dewar* of the opposite party no.2. In light of the recent judgment of the Apex Court in the case of ***Navneesh Aggarwal & Ors. v. State of Haryana & Anr.*** reported in ***2025 INSC 963***, I find that no case under Sections 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prois made out against the



petitioner no.3. Accordingly, the entire proceeding and order taking cognizance dated 25.07.2019 passed in Complaint Case No. 1318C/2018 is hereby **set aside and quashed to the extent it relates to petitioner no.3.**

10. So far as the petitioner nos. 1 and 2 are concerned, who is the husband and mother-in-law of the opposite party no.2, there is specific allegation against them that they had subjected the opposite party no.2 to various sorts of torture, but at the same time, they are ready to resolve the dispute along with other family members to buy peace of mind. This Court finds that the matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society, as has been held by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**, in paragraph nos. 12 and 13 which is as under:-

“ 12. The special features in such matrimonial matters are evident. It becomes the duty of the court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad [(2000) 3 SCC 693 : 2000 SCC (Cri) 733] are very apt for determining the approach required to be kept in view in a matrimonial dispute by the courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume



serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.

11. Recently also, the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25 and 31 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, which *inter alia* are as follows:-

“25. This Court, in Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband’s family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

31. We also refer to Gian Singh vs. State of Punjab, (2012) 10 SCC 303 wherein this Court observed that



where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

12. A reference can be taken to the law laid down by the Apex Court in the case of ***Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.*** reported in ***(2025) 4 SCC 78***, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, finally concluded that offences arising out of matrimonial dispute particularly relating to dowry etc. or a family dispute where wrong is committed to the victim by the offenders and his family, can be settled amicably.

13. The petitioner nos. 1 and 2, are the husband and mother-in-law of the opposite party no.2, and specific



allegation against them him is of subjecting the O.P. No.2 to various sorts of torture and still finds that the dispute can be settled amicably and have agreed to appear before the learned District Court on 23.12.2025 at 10:30 AM along with other family members. The learned District Court shall also strive till last to settle the dispute outside the Court.

14. Learned District Court upon appearance of the parties is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance.

15. Learned Mediator of the District Mediation Center after fixing the date for appearance of the parties shall make his/her best efforts to settle the dispute between the parties amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of four months, till then, no coercive action shall be taken against the petitioner nos. 1 and 2 in connection with the aforesaid case.

16. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

17. In case of failure on the part of the petitioner nos.1



and 2 to appear on 23.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner nos. 1 and 2 shall automatically lose its force.

18. In case, it is deliberate on the part of the petitioner nos.1 and 2 and they fail to reconcile, then in that case, the learned District Court shall proceed with the trial. In case, it is deliberate on the part of the opposite party no.2 to reconcile, then in that case, continuing with the criminal proceeding will amount to abuse of process of court and the interim protection granted to petitioner nos. 1 and 2 shall continue and the proceeding against them is required to be dropped in accordance with law.

19. Accordingly, the order taking cognizance is modified to the above extent with respect to petitioner nos. 1 and 2.

20. The present quashing application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2025
Transmission Date	10.12.2025

