

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63062 of 2022

Arising Out of PS. Case No.-2186 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. GOPAL JEE S/o Late Nagendra Prasad Sinha R/o- Yamuna Market, Bhikna Pahari, P.S.- Kadamkuan, Distt- Patna.
 2. NISHANT KUMAR SINHA S/o Gopal Jee R/o- Yamuna Market, Bhikna Pahari, P.S.- Kadamkuan, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. GUPTESHWAR PRASAD S/o Late Bindeshwari Prasad R/o Professor Colony, Tajpur Road, P.S.- Town, Distt- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 11-05-2026

Service report shows that Opposite Party No. 2, who is himself an Advocate, has personally received the notice. There is, however, no appearance on behalf of Opposite Party No. 2.

2. Heard learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

3. The instant application has been filed on behalf of the petitioners for quashing the order dated 18.05.2022 passed by the learned S.D.J.M., Samastipur in CR No. 2186 of 2017/Tr. No. 1645 of 2022, whereby the learned Magistrate rejected the petition



for discharge filed under Section 245(1) of the Code of Criminal Procedure.

4. Cognizance has been taken under Section 420 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The allegation is that during negotiations between the parties for the solemnization of a marriage, money was paid to the petitioners, but the marriage could not ultimately be solemnized.

5. Counsel for the petitioners has drawn the attention of this Court to Annexure-3 of the petition, which is a receipt issued by one Advocate Gupteshwar Prasad on 09.04.2017. The receipt is relevant insofar as it acknowledges the money transaction between the parties and goes to establish the essentially civil and monetary character of the dispute underlying these proceedings.

6. This Court is satisfied that the dispute between the parties is purely monetary in nature and has been settled between them. Opposite Party No. 2 is himself an Advocate and is fully alive to the consequences of non-appearance before a Court of law. His deliberate choice not to appear despite personal service of notice speaks for itself and leaves no room for doubt that he does not wish to press for continuation of these proceedings. In cases arising out of pre-matrimonial negotiations where the substratum of the dispute is the recovery of money and the matter has been



settled between the parties, the continuation of criminal proceedings would serve no useful purpose and would amount to an abuse of the process of the Court. Accordingly, this application is allowed.

7. Consequently, the order dated 18.05.2022 passed by the learned S.D.J.M., Samastipur in CR No. 2186 of 2017/Tr. No. 1645 of 2022 is hereby quashed. The proceedings in the aforesaid case shall stand terminated.

8. It is, however, clarified that if any material fact has been suppressed from this Court, or if fraud has been played upon the Court, or if any circumstance comes to light which was not placed before this Court and which could have a bearing on the outcome, Opposite Party No. 2 shall be at liberty to approach this Court by way of a fresh petition.

(Ansul, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

