

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78085 of 2018**

Arising Out of PS. Case No.-151 Year-2018 Thana- SIMRI District- Buxar

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1. Dr. Abhishek Pandey @ Abhishek Pandey S/o Late Shivnath Pandey
 2. Dr. Pratima Pandey @ Pratima Pandey W/o Late Shivnath Pandey

Both R/o Vill.- Gopiganj, P.S.- Gopiganj, District- Bhadohi, Varanasi U.P..

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dr. Soniya Pandey D/o Saryu Dubey, R/o Vill.- Asha Parari, P.S.- Simri,
District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 12-12-2025

Heard Mr. Digvijay Kumar Ojha, learned counsel appearing on behalf of the petitioners and Mr. Abhay Kumar – 1, learned APP for the State.

2. The petitioners have preferred the application under Section 482 Cr.P.C. / 528 BNSS for quashing the FIR dated 01.07.2018 in connection with Simri P.S. Case No.151 of 2018 whereby cognizance has been taken under Sections 341, 323, 354, 498A, 504, 506 and 34 of the IPC and under sections



3 and 4 of the DP Act.

3. The prosecution story in brief is that marriage of O.P. No.2, Dr. Soniya Pandey, solemnized with petitioner no.1, Dr. Abhishek Pandey, in accordance with Hindu rites and customs, where her father and brother allegedly provided substantial dowry articles comprising Rs. 15,00,000/- in cash, gold and diamond ornaments worth Rs. 11,00,000/-, utensils and household articles valued at Rs. 5,00,000/-, besides other gift items. It is also alleged in the FIR that the petitioners along with other in-laws residing in the joint family set-up began subjecting the O.P. No.2 to continuous harassment and indignities on the pretext of having brought insufficient dowry. The informant/O.P. No.2 was persistently pressurized to fulfill the demand of dowry of an additional sum of Rs. 25,00,000/- and a vehicle. It is further alleged that O.P. No.2's mother-in-law and other in-laws routinely taunted her, abused her, denied her basic amenities, and subjected her to mental and physical cruelty. The informant also asserts that she was dissuaded from visiting her parental home on the festival of "*Raksha Bandhan*", and even when she returned to her matrimonial house on 09.08.2017, the pattern of harassment, including assault, intimidation and humiliation of her family continued. According to the



informant, she was again assaulted, humiliated and forcibly evicted from her matrimonial home without any belongings, compelling her to reach her parental home under distress. Thereafter, mediation took place on 09.01.2018 and again on 21.02.2018 in presence of police authorities; however, despite assurances, she was allegedly not allowed by her in-laws to resume cohabitation. The informant further alleges that on 27.06.2018, petitioner no.1 along with petitioner no.2 and other in-laws visited her parental village, obtained her signatures on certain documents under the guise of reconciliation, took her along with them, but subsequently abandoned her midway between Asha Parari and Pratapsagar. Aggrieved by the said act, the informant has filed the FIR on 01.07.2018 before the Officer-in-Charge, Simri Police Station, which is under consideration before this Court.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1 is the husband and the petitioner no.2 is the mother-in-law, who are having doctorate degree and residing in Gopalganj and the opposite party no.2 is also a doctorate degree holder and residing in District-Buxar. A report dated 23.08.2025 has been sent by the learned District Court concerned wherein it has been informed



that name of the petitioner no.1 i.e. Dr. Abhishek Pandey @ Abhishek Pandey has been expunged *vide* order dated 19.12.2022. He further submitted that even considering the offence as alleged, materials available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioner no.2 becomes unsustainable in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred but the same can be resolved, if the parties are given opportunity to ponder to reconcile their dispute outside the court.

5. *Per contra*, learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

6. The petitioner's counsel on instruction submitted that the petitioner no.2 has agreed to appear before the learned District Court at 10:30 A.M. on 22.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner no.1, who is the husband, has died and the petitioner no.2, who is the mother-in-law, residing in District- Gopalganj, whereas, the



opposite party no.2, also having doctorate degree, is residing in District- Buxar. A report dated 23.08.2025 has been sent by the learned District Court concerned, wherein, it has been informed that name of the petitioner no.1 i.e. Dr. Abhishek Pandey @ Abhishek Pandey has been expunged *vide* order dated 19.12.2022 on the affidavit having been submitted by the co-accused. The alleged incidence has taken place in Bhadohi, Varanasi and the allegation is under Section 498 (A) IPC. 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. However, a false case can have a disastrous consequence in absence of any criminal content. The personal dispute cannot call for a criminal offence. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner no.2.

9. In this regard, 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 has held 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.

10.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, 31 and 32 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.

32. In Naushey Ali vs. State of U.P., (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.”



11. Recently also, The Apex Court in case of *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in *(2025) 4 SCC 78*, whereby, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, the Apex Court 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.

12. The dispute between the parties is purely civil in nature and the petitioner no.2 has willingly desired to appear before the learned District Court on 22.12.2025 at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

13. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after summoning O.P. No.2 by fixing a date for appearance.

14. Learned Mediator of the District Mediation Center concerned upon appearance of the parties on the fixed date shall make his/her best efforts to settle the dispute 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 no.2 in connection with the aforesaid case.

15. 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.

16. In case of failure on the part of the petitioner no.2 to appear on 22.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner no.2 shall automatically lose its force.

17. In case, it is deliberate on the part of the petitioner no.2 and she fails 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, the interim protection granted to the petitioner no.2 shall continue and the trial shall proceed in accordance with law.

18. It is observed that the police, at the stage of filing of chargesheet, and the criminal court, at the stage of framing of charges, must act as initial filters ensuring that only cases with a strong suspicion should proceed to the formal trial stage to maintain the efficiency and integrity of the judicial system.



19. Accordingly, the order taking cognizance is modified to the above extent.

20. The application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2025
Transmission Date	13.12.2025

