IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21196 of 2025

Arising Out of PS. Case No.-553 Year-2021 Thana- GOGRI District- Khagaria

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1. Anand Kumar
2. Mahanand Kanhaiya
   Both Son of Late Parmanand Prasad, Resident of village- Usari, P.S-Gogri, District- Khagaria.
3. Renuka Devi Wife of Late Parmanand Prasad Resident of village- Usari, P.S-Gogri, District- Khagaria.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari Daughter of Kailash Prasad Mandal Resident of village- Itahari, P.O. Itahari, P.S- Alamnagar, District- Madhepura.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Advocate
		Mr. Rishi Sinha, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
For the O.P. No.2	:	Mr. Madhu Prasun, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 03-11-2025

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 present application has been filed under Section 528 BNSS for quashing of the order dated 17.04.2023 in connection with Gogri P.S. Case No. 553 of 2021 and G.R. No.3814 of 2021 by which cognizance under Sections 498A, 504, 506 and 34 of the Indian Penal Code has been taken against the petitioners.

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3. The allegation is of subjecting the informant – opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court has not considered that the allegation is not against the society. He further submitted that the material available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioners cannot sustain in the eye of law. He further submitted that petitioner no. 1 is the husband of the O.P. No.2, petitioner no.2 is the brother of the husband of the O.P. No.2 and the petitioner no.3 is the mother-in-law of the O.P. No.2. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court.

5. Both the parties jointly submitted that the matter be referred for mediation.

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

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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. 2, who is the brother of the husband of the opposite party no. 2. In light of the recent judgment of 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 Section 498A/34 of IPC is made out against the petitioner no. 2. Accordingly, the entire proceedings and order taking cognizance dated 27.09.2024 passed in Complaint Case No. 3627(c) of 2024 is hereby **set aside and quashed to the extent it relates to petitioner no. 2.**

10. So far as the petitioner no.1 and 3 are concerned, 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,**

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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.*

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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. The petitioner nos. 1 and 3, who are the husband and mother-in-law of the opposite party no. 2

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respectively, desire that they want to settle the dispute amicably. This Court finds it proper in the interest of the petitioner nos. 1 and 3 and wife (opposite party no. 2), as there is no objection to arrive at a mutual terms and conditions of settlement, for that certain time is required.

13. The parties seek to settle their strained matrimonial relationship amicably. The learned District Court shall also strive till last to settle the dispute outside the Court.

14. Petitioner nos. 1 and 3 and opposite party no. 2 have agreed to appear before the learned District Court on 27.11.2025 at 10:30 AM.

15. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center.

16. Learned Mediator of the District Mediation Center concerned 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 3 in connection with the aforesaid case.

17. In case, the parties resolve their dispute amicably,

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then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

18. In case of failure on the part of the petitioner nos.1 and 3 to appear on 27.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner nos.1 and 3 shall automatically lose its force.

19. In case, it is deliberate on the part of the petitioner nos.1 and 3 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 3 shall continue and the proceeding against him is required to be dropped in accordance with law.

20. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.11.2025
Transmission Date	05.11.2025

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