

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3050 of 2025

Arising Out of PS. Case No.-92 Year-2017 Thana- SHAHPUR PATORI District- Samastipur

1. Akash Kumar Son of Nand Kishore Sahni Resident of village - Aalamganj P.s - Aalamganj District - Patna
2. Nand Kishore Sahni S/o- Late Sant Lal Sahni Resident of village - Aalamganj P.s - Aalamganj District - Patna
3. Kanchan Devi W/o- Nand Kishore Sahni Resident of village - Aalamganj P.s - Aalamganj District - Patna
4. Avinash Kumar S/o- Nand Kishore Sahni Resident of village - Aalamganj P.s - Aalamganj District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Priya Nishad @ Puja W/o- Aakash Kumar, D/o- Mithleshwar Prasad Sahni Village- South Dhamoun Ps- Patori Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

For the O.P. No.2 : Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-10-2025

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

2. The present application has been filed under Section 482 Cr.P.C. for quashing of the order taking cognizance dated 22.05.2023 passed in Patori P.S. Case No.92 of 2017 in



G.R. No.562 of 2017, passed by the learned Sub-Divisional Judicial Magistrate, Samastipur, whereby cognizance has been taken under Sections 498A and 34 of the IPC and Sections 3, 4 of the Dowry Prohibition Act.

3. The allegation is of subjecting the 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 petitioner no. 1 is the husband of opposite party no. 2 and petitioner nos. 2, 3 and 4 are father-in-law, mother-in-law and brother-in-law (brother of the husband of the opposite party no.2) of opposite party no. 2, respectively. He further submitted that the learned District Court, without considering the material available on record and applying its judicial mind has taken cognizance against the petitioners in most mechanical manner, which cannot sustain in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred, in such circumstances, the Court must allow the parties to ponder, so that, they can reconcile their dispute outside the court. He further submitted that matter be referred for mediation.



5. Learned counsel for the opposite party no. 2 and learned APP are also of the same view and jointly submitted that opportunity be given to the parties to reconcile their dispute amicably.

6. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 08.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties, as well as, the fact that petitioner no. 1 is the husband of opposite party no. 2 and petitioner nos. 2, 3 and 4 are father-in-law, mother-in-law and brother-in-law (brother of the husband of the opposite party no.2) of opposite party no. 2, respectively. The parties have mutually agreed to appear on 08.12.2025 before the learned District Court and 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 petitioners nos.2, 3 and 4 are



set aside and quashed.

9. At the same time, 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.

10. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court. 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.

11. 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. 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.

12. 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, 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.”

13. In the present case, the petitioner no.1 (the husband) and O.P. No.2 (the wife) have agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 08.12.2025 at 10:30 AM.



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

15. 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 petitioners in connection with the aforesaid case.

16. In case, the parties resolve their dispute amicably, 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 petitioners to appear on 08.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

18. In case, it is deliberate on the part of the petitioners 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, the interim protection granted to the



petitioners shall continue and the trial shall proceed in
accordance with law.

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

(Purnendu Singh, J)

Ashishsingh/-

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

