

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6548 of 2024

Arising Out of PS. Case No.-57 Year-2018 Thana- RUDRAPUR District- Madhubani

Ganesh Chandra Jha S/O Shailendra Jha R/O Village- Harari, P.S.- Rudrapur,
District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kiran Devi D/O Ram Chandra Mishra (Wife Of Ganesh Chandra Jha) R/O Village- Satghara, P.S- Babubarhi, Distt.- Madhubani (Bihar). At Present, Resident Of House No.- 2047/25, Molarband, Extension 2nd 60- Foota Road, Badarpur (Delhi)-110044.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate

Ms. Meenakshi Priya, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

For the O.P. No.2 : Dr. Alok Kumar Sinha, Advocate

Mr. Raja Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-11-2025

Heard Mr. Rajesh Kumar Jha, learned counsel along with Ms. Meenakshi Priya, learned counsels appearing on behalf of the petitioner and Mr. Md. Ataur Rahman, learned APP for the State and Dr. Alok Kumar Sinha, along with Mr. Raja Prasad, learned counsels appearing on behalf of the O.P. No.2.

2. The petitioner has preferred the application under Section 482 of Cr.P.C. for quashing the order dated 15.04.2023



passed by learned J.M.-Ist Class, Madhubani in G.R. No.902 of 2018 arising out of Rudrapur P.S. Case No.57 of 2018, by which cognizance of the offences has been taken under Sections 498A and 34 of the Indian Penal Code against the petitioner.

3. The prosecution story in brief is that the informant, O.P. No. 2, Kiran Devi, wife of the petitioner, filed a complaint dated 26.06.2018 before the Officer-in-Charge of Rudrapur Police Station, alleging that her marriage with Ganesh Chandra Jha (petitioner) was solemnized on 23.06.2010 according to Hindu rites and customs at her village, Satghara. At the time of marriage, her father gave gold and silver jewellery, furniture, and other articles to the petitioner's family. After marriage, her husband went to Manali for work, and the informant remained at her matrimonial home with her in-laws. It is alleged that her father-in-law, mother-in-law, brother-in-law, sister-in-law, and younger brother of her father-in-law pressured her to procure Rs. 2 lakh in cash and execute a deed of a 50-*gaj* land in Delhi from her father. On refusal, she was subjected to physical and mental harassment, assaulted, verbally abused, and, on the night of 20.06.2018, she was tortured physically and subsequently was ousted. She then returned to her parental home at Satghara.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is the husband of the O.P. No.2 and the mediation between them has failed. The petitioner is ready to avail legal remedy in accordance with law.

5. *Per contra*, learned counsel appearing on behalf of the opposite party no.2 informs that the Family Court, Madhubani in M.R. Case No.187 of 2018 *vide* order dated 26.07.2025 has given direction to the petitioner to make a payment of a sum of Rs.12,000/- as maintenance to O.P. No.2 from 17.07.2018 till date along with litigation cost. However, it is in the interest of the petitioner (husband) and O.P. No.2 (Wife) that they should settle their dispute amicably in spite of the fact that it has been informed by learned Mediator that the parties have failed to settle their dispute amicably.

6. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 17.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties. The parties have mutually agreed to appear on 17.12.2025 before the learned District Court. 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.

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. In the present case, both the parties have agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 17.12.2025 at 10:30 AM.

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

12. 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 in connection with the aforesaid case.

13. 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.

14. In case of failure on the part of the petitioner to appear on 17.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.



15. In case, it is deliberate on the part of the petitioner and he 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 shall continue and the trial shall proceed in accordance with law.

16. It is also made clear that in case of failure in making payment of a sum of Rs.12,000/- as maintenance to O.P. No.2 from 17.07.2018 till date along with litigation cost as has been directed by the Family Court, Madhubani in M.R. Case No.187 of 2018 *vide* order dated 26.07.2025 will amount to coercive action against the petitioner and the interim protection granted to the petitioner will lose its force.

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

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.11.2025
Transmission Date	15.11.2025

