

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2097 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- COMPLAINT CASE - RAXAUL AT
MOTIHARI District- East Champaran

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Priyadarshan Pathak @ Priyadarshan Son of Ramashankar Pathak Resident of
Village - Parsauni Jahangir, P.S. - SahebGanj, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shobhah Pathak @ Kiran Pathak Wife of Priyadarshan Pathak, Daughter of
Dinbandhu Pandey Resident of Village - Block Road, Raxual, Ward No.18,
P.S. - Raxual, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-10-2025 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. The present quashing application has been filed for
quashing of order dated 09.07.2024 passed in Complaint Case
No.153 of 2024 by the learned Judicial Magistrate 1st class,
Raxaul at Motihari, whereby the cognizance has been taken
under Section 498A of IPC and Section 3 and 4 of the D.P.Act.

3. The allegation against the petitioner is of subjecting
the Opposite Party No.2 to various sorts of torture due to non-
fulfillment of the demand of dowry. It is also alleged that the
petitioner has solemnized second marriage with another woman.

4. Learned counsel appearing on behalf of the



petitioner informs that the petitioner had also filed Cr. Misc. No.34571 of 2025 for granting pre-arrest bail. Vide order dated 25.07.2025 passed in Cr. Misc. No.34571 of 2025, the Hon'ble Co-ordinate Bench while considering the anticipatory bail application of the petitioner, on the prayer of both the parties, referred the matter before the learned Mediator of the Patna High Court Mediation and Reconciliation Centre for resolving their dispute amicably and to arrive at an amicable settlement.

5. It is informed that the Opposite Party No.2 has filed Maintenance Case No.249 of 2024, which is pending before the court of the learned Principal Judge, Family Court, East Champaran, Motihari. The petitioner has also filed Divorce Case No.HMA/389 of 2024, which is pending in the court of the learned Principal Judge, Family Court, Guragaon, Haryana.

6. This Court finds that the present matrimonial dispute can be terminated in view of the hope of settlement between the parties and the mediation is the best way to resolve their dispute amicably outside the court, in light of the law laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**, keeping the present quashing application pending will serve no purpose. The Apex Court 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.*

7. In that view, the matter is referred to the Patna High Court Mediation and Reconciliation Centre for amicable settlement of matrimonial dispute between the parties.

8. The petitioner and O.P. No.2 shall appear before the learned Mediator on **21.11.2025 at 04:30 p.m** and the learned Mediator shall make his/her best efforts to settle the dispute amicably within a period of four months. Till then no coercive steps shall be taken against the petitioner in the above mentioned case.

9. In case of failure on the part of the petitioner to appear on 21.11.2025 before the Patna High Court Mediation and Reconciliation Centre or any date fixed by the learned



Mediator, the interim protection granted to the petitioner shall automatically lose its force.

10. In view of the law laid down by the Apex Court

11. It goes without saying that both the parties, in the meantime, can also seek appropriate remedy before the appropriate forum.

12. The present quashing application is accordingly disposed of.

(Purnendu Singh, J)

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