

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5191 of 2025

Arising Out of PS. Case No.-811 Year-2024 Thana- KANKARBAG District- Patna

1. Satish Kumar Kedia @ Satish Kedia S/o Satyanaraian Kedia R/o Flat No. 302, Shiva Enclave, Tarkeshwar Nath Path, Chiraiyatan, P.S.- Kankarbagh, Distt.- Patna, Bihar
2. Sangita Kedia W/o Satish Kumar Kedia @ Satish Kedia R/o Flat No. 302, Shiva Enclave, Tarkeshwar Nath Path, Chiraiyatan, P.S.- Kankarbagh, Distt.- Patna, Bihar
3. Shubham Kedia S/o Satish Kumar Kedia @ Satish Kedia R/o Flat No. 302, Shiva Enclave, Tarkeshwar Nath Path, Chiraiyatan, P.S.- Kankarbagh, Distt.- Patna, Bihar

... .. Petitioners

Versus

1. The State of Bihar
2. Suresh Kumar S/o Late Sita Prasad R/o Opposite Danapur Cantt, Police Station, Distt.- Patna

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Gautam Kumar Kejriwal, Advocate Mr.Alok Kumar Jha, Advocate Mr.Mukund Kumar, Advocate Mr.Akash Kumar, Advocate Mr.Aditya Raman, Advocate
For the State	:	Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
C.A.V. JUDGMENT

Date : 16-04-2025

Heard Mr. Gautam Kumar Kejriwal, learned counsel appearing for the petitioners and Mr. Ravi Shankar Pathak, learned counsel for the informant/opposite party no.2 duly assisted by learned A.P.P. for the State.

2. The present petition preferred under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023/Section 482



of the Code of Criminal Procedure, 1973 (hereinafter referred to as the “Cr.P.C.”) for quashing of the First Information Report (in short the ‘F.I.R.’) lodged in connection with Kankarbagh P.S. Case No. 811 of 2024, dated 27.10.2024 registered for the offences punishable under Sections 80, 85 and 3(5) of Bhartiya Nyay Sanhita, 2023 (in short the ‘B.N.S.’).

3. The brief facts of the case as it appears from the narration of the F.I.R. that the informant/O.P. No. 2 married his daughter namely, Sonal Bhartiya (deceased) to one Shubham Kedia (petitioner no. 3) according to Hindu rites and rituals. The informant alleged that at the time of marriage, total of Rs. 40 lakhs was spent by way of cash, jewelry etc., but the in-laws members of his daughter demanded an additional cash of Rs. 25 Lakhs as dowry. The informant convinced the in-laws that money would be paid as soon as possible. The informant stated that due to non-payment of aforesaid Rs. 25 Lakhs, all the in-laws members tortured his daughter to the extent that she was even denied for her regular meal. On 27.10.2024 at about 7:00 P.M. the father-



in-law (petitioner no. 1) informed the informant that his daughter had confined herself in a room and not opening the door and after some time the wife of the informant got a message that her daughter has hung herself. Thereafter, the informant received a phone call from the father-in-law of his daughter as to reach Mediversal Hospital, Patna immediately. When he reached to the Hospital, he found his daughter was lying dead in the emergency ward of the hospital. The informant alleged that due to non-fulfillment of demand of Rs. 25 Lakhs as dowry and due to physical and mental torture by in-laws of his daughter, she committed suicide.

4. Mr. Gautam Kumar Kejriwal, learned counsel for the petitioners submitted that petitioner nos. 1 and 2 are father-in-law and mother-in-law respectively whereas petitioner no. 3 is the husband of the deceased daughter of the informant. Learned counsel submitted that petitioners have not demanded any money, as alleged, by the informant through F.I.R., rather petitioners were happy with the marriage of petitioner no.3 with deceased daughter of the informant.



5. Mr. Kejriwal, learned counsel submitted that on 27.10.2024, all in-laws members and daughter of the informant started their day with their normal routine, suddenly, the daughter (deceased) of the informant/O.P. No. 2 confined herself in a room without any disclosure to anybody in the family and at about 7:00 P.M. in the evening, when the petitioners found the situation suspicious, broken the door of the bedroom and they found that the daughter of the informant hung herself. It is submitted that petitioners immediately took the daughter of the informant to Mediversal Hospital, Rajendra Nagar, Patna, where the daughter of the informant was declared brought dead by the doctors.

6. Learned counsel submitted that the aforesaid case was instituted by the O.P. No.2 against the petitioners out of tutoring by his relatives, as no such incident of demand of dowry had ever made, where both sides had healthy relationship right from marriage of their childrens. Mr. Kejriwal submitted that by realizing the truth, the informant/O.P. No. 2 along with his brothers had executed a joint compromise petition with the petitioners on 03.01.2025,



which has been filed in the court of learned Additional Chief Judicial Magistrate – XI, Patna.

7. Learned counsel further submitted that informant/O.P. No. 2 also requested the Officer-in-Charge, Kankarbagh Police Station vide letter dated 02.01.2025 as to convert the aforesaid criminal case into a UD Case and discharge the petitioners who are named accused in the F.I.R. In this regard, a copy of joint compromise petition along with petition seeking permission for compromise dated 03.01.2025 and 21.01.2025 are available on record.

8. Mr. Kejriwal further submitted that criminal case arising out of aforesaid First Information Report be quashed along with all its consequential proceedings. While concluding his argument, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Naushey Ali & Ors. Vs. State of U.P. & Anr.** reported in **2025 SCC Online SC 292**, and submitted that in view of compromise, even being non-compoundable offence, chance of conviction is very bleak.

9. Mr. Ravi Shankar Pathak, learned counsel, while



appearing for the informant/opposite party no. 2 by filing counter affidavit, submitted that the aforesaid criminal case was filed by the opposite party no. 2 due to sudden feelings faced with heartbreaking incident of death of his deceased daughter. The informant realised that petitioners have not involved in any manner in the commission of suicide committed by his daughter and thus, affirmed the factum of compromise.

10. Learned counsel submitted that opposite party no. 2 has filed a joint compromise petition before the learned court below and further preferred petition seeking permission to compromise with the petitioners. Opposite party no. 2/informant and his family members, all are unanimous that petitioners be not prosecuted in connection with the aforesaid criminal case, as they are not involved in the occurrence regarding death of his daughter.

11. It would be apposite to reproduce the relevant paragraphs of **Naushey Ali case (supra)**, for better understanding the position of law, which reads as under:

"22. In *Ramgopal v. State of M.P.*, (2022) 14 SCC 531, Surya Kant, J. speaking for this court, in a case involving a charge under Section 326 IPC, while annulling the



proceedings, felicitously set out the statement of law and applied it to the facts of the said case as under:

19. We thus sum up and hold that as opposed to Section 320 CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1. Nature and effect of the offence on the conscience of the society;

19.2. Seriousness of the injury, if any;

19.3 Voluntary nature of compromise between the accused and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the aforestated parameters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

20.1. Firstly, the occurrence(s) involved in these appeals can be categorised as purely personal or having overtones of criminal proceedings of private nature.

20.2. Secondly, the nature of injuries incurred, for which the appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest.

20.3. Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the appellants had been concluded or their appeal(s) against conviction stand dismissed.

20.4. Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s).



20.5. Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties.

20.6. Sixthly, since the appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill will and have no vengeance against each other.

20.7. Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the appellants; more so looking at their present age.”

12. It would be further apposite to reproduce Section 80, 85 of the Bhartiya Nyay Sanhita, 2023, which reads as under:

“80. Dowry death.—(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purposes of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

85. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”



13. From perusal of record and considering the argument as canvassed by learned counsel appearing for the parties, it transpires that the daughter of informant committed suicide in her matrimonial home by hanging herself, as she faced continuous mental and physical torture due to non-fulfillment of demand of additional dowry of Rs. 25 Lakhs. After investigation, the investigating authority submitted the charge-sheet against petitioners for the offences punishable under Section 85/80/3(5) of the B.N.S., 2023, vide Charge-sheet No. 511706524081101/25 dated 6.4.2025. It transpires that during investigation, nothing surfaced as matter appears compromised between the parties, as submitted above, however, learned counsel appearing for the opposite party no. 2 supported the factum of compromise on affidavit. If the accused persons, on the basis of exclusive note of compromise, would allowed to let go free by quashing the F.I.R., exercising power under Section 528 of the B.N.S.S. against offence like dowry death, it would go against the conscience of the society despite of compromise.



14. Hence, considering the seriousness of offence, as alleged, its nature and the effect of the offence on the society at large, where the daughter of the informant committed suicide in her matrimonial home due to non-fulfillment of alleged demand of dowry, the prayer of petitioner as to quash the F.I.R. is not appears convincing as same not appears to fall within the legal frame of **Naushey Ali case (supra)** as discussed aforesaid.

15. Hence, the present petition devoid of any merit. Accordingly, same stands dismissed.

16. However, petitioners/ accused persons may raise all such issues at the time of framing of charge or at appropriate stage, if so advised.

17. Let a copy of this judgment be sent to the learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	AFR
CAV DATE	08.04.2025
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