

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8682 of 2025

Arising Out of PS. Case No.-132 Year-2021 Thana- COMPLAINT CASE - BENIPATTI
District- Madhubani

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1. Rakhi Devi @ Rakhi Kumari Daughter of Kishori Yadav, Wife of Ram Bharosh Yadav Resident of Village - Jafra, P.S. - Bisfi (Patauna), District - Madhubani and Present Resident of Pariharpur, P.S. - Rajnagar, District - Madhubani, Bihar
 2. Kishori Yadav Son of Pachkouri Yadav Resident of Pariharpur, P.S. - Rajnagar, District - Madhubani, Bihar
 3. Kishan Yadav Son of Kishori Yadav Resident of Pariharpur, P.S. - Rajnagar, District - Madhubani, Bihar
 4. Anar Kali Devi @ Anar Devi Wife of Kishori Yadav Resident of Pariharpur, P.S. - Rajnagar, District - Madhubani, Bihar
 5. Keshab Yadav Son of Kishori Yadav Resident of Pariharpur, P.S. - Rajnagar, District - Madhubani, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Bharosh Yadav Son of Mohit Yadav Resident of Village - Jafra, P.S. - Bisfi (Patauna), District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The present application has been filed under
Section 528 of BNS for quashing of the order dated 18.08.2023
passed in Complaint Case (C.R.) No.132/2021 by the learned
Additional Chief Judicial Magistrate, Benipatti, Madhbani
whereby cognizance has been taken under Sections 323 and



504/34 of the Indian Penal Code.

3. The allegation is of assaulting the opposite party no.2, who is husband of petitioner no.1.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court, in the most mechanical manner, without applying his judicial mind that the matter is purely civil in nature and without considering the material available on record, has taken cognizance against the petitioners, 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 and the parties ponder to reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, I find that the parties have failed to settle the matrimonial dispute, the Court till last minute must strive to give opportunity to the parties to settle the dispute between the husband and wife amicably. 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. Continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioners.

8. 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.

9. Petitioners have agreed to settle the dispute outside the Court and they are willingly desired to appear before the learned District Court on 31.10.2025 at 10:30 AM.

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

11. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute 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.

12. In case of failure on the part of the petitioners to appear on 31.10.2025 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.

13. In case, the parties fail to reconcile, then in that case, the learned District Court shall proceed with the trial.

14. 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.

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

(Purnendu Singh, J)

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