

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12712 of 2024**

Arising Out of PS. Case No.-1 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

1. Nunu Mishra Son Of Ram Jatan Mishra Resident Of Village- Turkaulia, Po- Madhopur, Ps- Bathnaha, Distt- Sitamarhi
2. Pushpa Devi @ Pushpa Mishra Wife Of Nunu Mishra Resident Of Village- Turkaulia, Po- Madhopur, Ps- Bathnaha, Distt- Sitamarhi
3. Hari Shankar Mishra Son Of Nunu Mishra Resident Of Village- Turkaulia, Po- Madhopur, Ps- Bathnaha, Distt- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakshi Sanmya W/o Ravi Shankar Kumar @ Ravi Shankar Mishra D/o Vinay Kishor Shahi, R/o Ward No. 7, Panthpakar, Pandaul Urf, P.S. Bathnaha, District-Sitamarhi

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                                |
|----------------------------|---|------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Ms. Deepali Singh, Advocate<br>Mr. Sumeet Kumar Singh, Advocate<br>Mr. Raushan Kumar, Advocate |
| For the Opposite Party/s : |   | Mr. Nirmal Kumar Sinha, APP                                                                    |
| For the O.P. No.2          | : | Mr. Dinkar Kumar, Advocate                                                                     |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 04-12-2025**

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

2. The petitioners have preferred the application under Section 482 of Cr.P.C. for quashing the order dated 28.08.2023 passed by the Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Sitamarhi Mahila P.S. Case No.01 of 2023 dated 10.01.2023 whereby and where under cognizance has been taken under Sections 341, 323, 498(A),



504, 506/34 of the Indian Penal Code and Sections 3/4 of the DP Act against the petitioners.

3. Prosecution story, in brief, is that the O.P. No.2 (Informant) was married to Ravi Shankar Mishra on 03.05.2021 according to Hindu rituals. Soon after the marriage, the husband of the O.P. No.2 (Informant) along with his family members started demanding a four-wheeler from her and started torturing her due to non-fulfillment of demand of dowry. Aggrieved by the said act, the O.P. No.2 filed the case bearing Mahila P.S. Case No.01 of 2023 against the petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation levelled against the petitioners is false and concocted. He further submitted that petitioner no.1 is the father-in-law, petitioner no.2 is mother-in-law and petitioner no.3 is brother-in-law (Dewar) of the O.P. No.2 respectively. Learned counsel further submitted that the allegation levelled against the petitioners is not specific rather general and omnibus and petitioner nos.1 to 3 are ready to tender apology and also go for settlement to buy peace of mind. Learned counsel submitted that *vide* order dated 03.11.2025 passed in Cr. Misc. No.23486 of 2025 the entire proceeding and the order taking cognizance has been set-aside and quashed in



respect of other co-accused. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be referred for mediation.

5. Learned counsel appearing on behalf of the opposite party no.2 and the learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

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

8. 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 and face vexatious criminal trial.

9. From perusal of the F.I.R., it is evident that there is no specific allegation against the petitioner no.1 is the father-in-law, petitioner no.2 is mother-in-law and petitioner no.3 is



brother-in-law (Dewar) of the O.P. No.2. In light of the recent judgment of Apex Court in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in *2025 INSC 963*, I find that no case under Sections 341, 323, 498(A), 504, 506/34 of the Indian Penal Code and Sections 3/4 of the DP Act is made out against the petitioner nos.2-7. Accordingly, the entire proceeding and the order taking cognizance in connection with Sitamarhi Mahila P.S. Case No.01 of 2023 is hereby **set aside and quashed to the extent it relates to petitioner nos.1, 2 and 3.**

10. The present quashing application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

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| AFR/NAFR          | NAFR       |
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