

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13190 of 2025

Arising Out of PS. Case No.-44 Year-2014 Thana- MAHILA PS District- Gopalganj

Tara Hussain Son of Salim Mian Resident of Village- Dharam Parsa, P.S.-
Matha, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samsa Khatoon Wife of Tara Hussain Resident of Village- Parsa, P.S.-
Matha, Distt.- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisu Zzoha, Advocate.
For the Opposite Party/s	:	Mr.Umeshanand Pandit, APP.
For O.P. No.2	:	Mr. Amir Alam, Advocate.
		Mr. Dhananjay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2025

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

2. The present application has been filed under Section 528 of the BNSS for quashing of the entire proceeding of S.T. No. 297 of 2015, arising out of Gopalganj Mahila P.S. Case No. 44 of 2014 instituted on 13.08.2024 for the offences under Sections 498A, 313 and 120B of the Indian Penal Code.

3. Prosecution story, in brief, is that the informant, Samsa Khatoon, W/o Tara Hussain, resident of Village – Dharam Parsa, P.S. Matha, District – Gopalganj, gave a written report to the S.H.O., Mahila Police Station, Gopalganj on



13.08.2014 stating therein that her marriage was solemnized with the petitioner, Tara Hussain, and after the marriage she went to the matrimonial place along with gifted articles worth Rs. 2 lakh, but the in-laws were not satisfied and the co-accused, Hussan Tara Khatoon and Shubh Tara Khatoon (Nanad), started to demand Rs. 1 lakh from the informant, and due to non-fulfilment, the accused persons tortured her in various ways, and the accused persons used to threaten her to solemnize the second marriage of her husband. She further alleged that the husband used to assault her by means of belt and shoes. She further stated that out of the wedlock, two children were born, namely, Tanya Khatoon aged about 9 years and a son, namely, Lakte Zigar aged about 4 years. She further stated that when her husband was going to a foreign country, then at that time her father gave him Rs. 50,000/-, and after his going to the foreign country, the in-laws used to torture her in various ways. She further alleged that her Nanad and brother-in-law (Nandoi), Faiyaz Mian, picked her up in a Bolero vehicle and took her to her matrimonial village and, after tying her hands and legs, left her in the village at 8 o'clock in the night. Then, anyhow, she informed her father and he came and took her to the house. Thereafter, she along with villagers went to the matrimonial



place, then the in-laws told her to go to the court, thereafter she went to the court of the C.J.M. and lodged the case. She further alleged that on 21.02.2014 she went to the matrimonial place and when her husband came to the house, then after leaving his house, all the in-laws started to assault her and they forcefully aborted her. Thereafter, she visited Doctor Sagufta at Siwan for her treatment. She further alleged that on 08.06.2014 the accused persons ousted her from the matrimonial house along with her children and threatened to kill her, and lastly alleged that Faiyaz Ahmad had ill motive and misbehaved with her.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the case. He further submitted that the informant herself left the matrimonial house and started living at her parental house and had also lodged a complaint case no. 1975 of 2012 under Section 498A of the Indian Penal Code against the petitioner and his family members. The informant had lodged maintenance case before the learned Principal Judge, Family Court, Siwan in which interim maintenance was allowed on 20.11.2024 of Rs.2000/-, per month, thereafter she has also filed a petition for enhancement of maintenance which has been allowed on 14.05.2019 and amount of Rs.5000/- is



continuously being paid to the informant. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred, in such circumstances, the Court must allow the parties to ponder so that they can reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned counsel for the opposite party no. 2 and learned APP are also of the same view and jointly submitted that opportunity shall be given to the parties to reconcile 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 on the fixed date.

11. Learned District Court upon appearance of the parties is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center on the fixed date.

12. Learned Mediator of the District Mediation Center concerned after fixing the date for appearance of the parties 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 or arrive at a mutual agreement, 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. Accordingly, the order taking cognizance is modified to above the above extent.

17. The present quashing application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2025
Transmission Date	24.11.2025

