

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.266 of 2025**

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

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1. Rinku Kumari Wife of Ramashish Mandal @ Ramashish Kumar village- Akhatwara, Ps- Shivaji Nagar, Dist- Samastipur, At P/A- Daughter of Ram Bharos Mandal, Village- Dahiyar, Ps- Shivji Nagar, Dist- Samastipur
  2. Kriti Kumari Daughter of Ram Bharos Mandal village- Akhatwara, Ps- Shivaji Nagar, Dist- Samastipur, At P/A- Daughter of Ram Bharos Mandal, Village- Dahiyar, Ps- Shivji Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramashish Mandal @ Ramashish Kumar Son of Santosh Mandal village- Akhatwara, Ps- Shivaji Nagar, Dist- Samastipur, At P/A- c/o- Dinesh yadav, Mohalla- Katari Hills, FCI Road, Bajrangwali Mor, Ps-Nagar, Gaya, Dist- Gaya

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Jagdish Prasad Singh, Advocate |
| For the State            | : | Mr. Chandra Bhushan Prasad, A.P.P. |
| For the Respondent No.2: |   | Mr. Bijoy Bhushan Prasad, Advocate |
|                          |   | Ms. Rani Shashi Bharti, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      05-08-2025                      This is a consistent experience of this Court that peculiarity and strange action de hors the procedural law by the Trial Court are run of the day.

2. This Court is duty bound to record the reason as to why this order starts with a harsh observation. The petitioner and her minor daughter aged about 03 years claimed maintenance and filed a petition under Section 125 of the Cr.P.C. against the husband of the petitioner No.1. The said petition was registered as Maintenance Case No.65 of 2024 by



the learned Principal Judge, Family Court at Samastipur on 09.04.2024. Notice of the said proceeding was issued by the Nazarat Department in the name of the opposite party on 27.05.2024. However, no service report was received. On 06.09.2024 the Bench Clerk of the learned Principal Judge, Family Court at Samastipur obtained the mobile phone number of the opposite party from the petitioner No.1 and he called the opposite party over phone and directed him to appear before the Trial Court on 27.09.2024. On that day as per the order sheet, the opposite party appeared. On the same date, the above-mentioned case under Section 125 of the Cr.P.C. was directed to be sent to the Mediation Centre, Samastipur for mediation before 22.10.2024. Both the parties were directed to appear before the Mediation Centre, Samastipur and next date was fixed on 09.12.2024 for report from the Mediation Centre.

3. On close look of the order dated 27.09.2024 it appears that initially the date for receipt of the report from Mediation Centre was fixed on 22.10.2024, but subsequently it was manipulated to 09.12.2024. On 16.10.2024, photocopy of the case record was sent to Mediation Centre, Samastipur. No report in writing was received from Mediation Centre.

4. However, the Trial Court recorded an order on



09.12.2024 that the dispute has been compromised between the parties and in the light of compromise both the parties have been examined in the Court and they supported the factum of compromise. Both the parties have further stated that they are ready to live together as husband and wife. They also stated that they have compromised the case without any pressure and fear and therefore, the above-mentioned Maintenance Case No.65 of 2024 was disposed of on the basis of compromise.

5. The petitioner has filed the instant revision challenging the order of compromise stating, inter-alia that no compromise was actually held by the Mediation Centre, Samastipur. No active effort was taken by the learned Principal Judge, Family Court, Samastipur under Section 9 of the Family Courts Act for settlement of the dispute and the impugned order is bad in law and cannot be sustained.

6. It is astonishing to note that no summons was reported to be received by the opposite party under the proviso to Section 64 of the B.N.S.S. The opposite party was contacted over phone by the Bench Clerk of the concerned Court and he was called to appear. Accordingly, he appeared on 27.09.2024. On that very date without examining the parties as to whether they want to get the matter compromised or not, the learned



Principal Judge, Family Court, Samastipur sent the case record to the Mediation Centre, Samastipur fixing the date 22.10.2024 for submission of report by the Mediation Centre.

7. It appears from the order dated 27.09.2024 or 09.12.2024 that no report was received by the learned Principal Judge, Family Court, Samastipur on 22.10.2024 or 09.12.2024. However, next date of the order was manipulated by over writing as 09.12.2024 in place of 22.12.2024 and the case was disposed of on compromise.

8. Since, no notice was served upon the opposite party. No examination was made to the parties as to whether they want to settle their dispute out of the Court by way of mediation and there was suspicious manipulation in record, this Court does not accept the order dated 09.12.2024 passed by the learned Principal Judge, Family Court, Samastipur.

9. The impugned order is set aside.

10. The learned Principal Judge, Family Court, Samastipur is directed to dispose of the application under Section 125 of the Cr.P.C. (Maintenance Case No.65 of 2024) in contested fashion.

11. Since, the entire action in the record of Maintenance Case No.65 of 2024 is violative of procedural law



of B.N.S.S. as well as Family Courts Act. A copy of this order be sent to the Inspecting Judge, Samastipur for information and take necessary action, as his Lordship may deem fit and proper under the facts and circumstances of this case against the concerned Officer.

12. With the above order, the instant revision is accordingly, disposed of.

**(Bibek Chaudhuri, J)**

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