

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25405 of 2025

Arising Out of PS. Case No.-537 Year-2023 Thana- HARNAUT District- Nalanda

Lal Babu @ Ramesh Prasad Singh @ Ramesh Singh S/O Late Shyam Narayan Singh @ Bhola Singh R/O Village- Langhura, P.S- Harnaut, Distt.- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakila Devi W/O Lal Babu @ Ramesh Prasad Singh @ Ramesh Singh R/O Village- Langhaura, P.S- Harnaut, Distt.- Nalanda, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saket Anand, Advocate
For the O.P. No. 2	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-11-2025

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 petitioner has preferred application under Section 528 of BNSS for quashing of the FIR in connection with 537 of 2023 registered under Sections 341, 323, 498(A), 504/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant/O.P. No. 2 was married to the petitioner ten years ago and out of the wedlock, the petitioner and O.P. No. 2 have been blessed with a boy child, who is aged about 7 years. After marriage, the relationship between the parties was cordial for



few years but since last two years, the petitioner is involved in illicit love affair with another lady, due to which, the petitioner had started torturing and assaulting the informant/O.P. No.2.

4. Learned counsel appearing on behalf of the petitioner submitted that under the pressure of the present false and fabricated FIR, the Investigating Officer had arrested the petitioner and sent him to the judicial custody on 04.07.2024. The petitioner was released on regular bail vide order dated 07.10.2024 passed in Criminal Miscellaneous No. 67115 of 2024. He further submitted that the present case is a mala-fide prosecution created by the prosecution on the instance of the informant/O.P. No. 2 just to harass and humiliate the petitioner and with the sole intention to send him to jail to settle land related dispute with her real husband namely, Bundela Paswan, who is also resident of nearby village as the informant is dubious lady and she has no connection with the petitioner. He further submitted that the instant case is barred by the legal principle of double jeopardy as the informant with her ill motive and malicious intention has filed one Harnaut P.S. Case No. 537 of 2023 under Sections 341, 323, 498(A), 504/34 of the Indian Penal Code stating that she has been married to the petitioner 15 years back and at present she has been ousted and deserted by



him prior to lodging of the present case. 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 submitted that O.P. No.2 is residing with her child, who is aged about 7 years old and her husband is not taking care of her child, nor he is supporting financially or showing his love and affection. He further 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. They 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.

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

12. Learned Mediator of the District Mediation Center concerned 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, 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. Before parting with the order, I find it proper to direct the learned District Court to get informed that he has to play the role of *parens patriae*, considering the fact that the child, who is aged about 7 years old and husband of opposite party no.2 is not taking care of the child, nor he is supporting financially or showing his love and affection. He must exercise his jurisdiction to consider for the welfare of the child which is paramount till the parties resolve their dispute in accordance with the law.

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

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.11.2025
Transmission Date	15.11.2025

