

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22204 of 2019

Arising Out of PS. Case No.-1518 Year-2011 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. PRAVIN KUMAR CHAUDHARY Son of Ravindra Chaudhary
 2. Ravindra Chaudhary Son of Ram Sogarath Chaudhary
 3. Leela Devi Wife of Ravindra Chaudhary
- All are Residents of Village-Chahuta Via Kamtaul, P.S-Bisfi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Chaudhary, Wife of Pravin Kumar Chaudhary, D/o Ram Kumar Jha, Resident of Village - Sahora, P.S-Ashok Paper Mill, District-Darbhangha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Nath Jha, Advocate
Mr. Sunny Kumar, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-12-2025

At the outset, learned counsel appearing on behalf of the petitioners submitted that *vide* order dated 15.07.2025, application with respect to petitioner no.1, who is husband of O.P. No.2, was withdrawn and so far as petitioner no.3 is concerned, she had died and, as such, he presses the application only with respect to petitioner no.2.

2. Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

3. The petitioner no.2 has preferred the application



under Section 482 Cr.P.C. / 528 BNSS for quashing of the order dated 01.03.2019 passed in CI-1518/11, by the learned S.D.J.M., Vaishali at Hajipur, whereby discharge petition dated 15.10.2018 filed on behalf of the petitioners under Section 245 of Cr.P.C. was dismissed.

4. The prosecution story, in short is that marriage of the informant was solemnized with petitioner no.1, namely, Pravin Kumar Chaudhary on 09.03.2008 and on 15.01.2009, a male child was also born from the said wedlock. Immediately thereafter, petitioner no.1 (husband of the informant) and their in-laws started demanding rupees 1 lakh and for non-fulfillment of the demand, they subjected her to cruelty both both mental and physical. Aggrieved by the said act, the informant has filed the complaint on 16.08.2011 against them.

5. Learned counsel appearing on behalf of the petitioner submitted that the discharge petition, filed before the learned District Court under Section 245 Cr.P.C. on behalf of the petitioner was dismissed *vide* order dated 01.03.2019. It is submitted that petitioner no.2, who is father-in-law of O.P. No.2, aged about 95 years, is not responsible in any manner for the strained matrimonial relationship between his son and O.P. party no.2. General and omnibus allegation has been levelled against



the petitioner no.2. He further submitted that no material was collected against the petitioner save and except that is alleged in the FIR. He further submitted that the material available on record don't disclose any criminal element and, as such, the impugned order 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.

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

7. Heard the parties.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court recently in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in **2025 INSC 963** has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. 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.



10. Recently also, the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25, 31 and 32 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, which *inter alia* are as follows:-

“25. This Court, in *Dara Lakshmi Narayana vs. State of Telangana*, (2025) 3 SCC 735, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband’s family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

31. We also refer to *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303 wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal



proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

32. In Naushey Ali vs. State of U.P., (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved."

11. In case of ***State of Karnataka v. L.Muniswamy*** reported in ***(1977 Cr.LJ 1125)***, it has been held that that "if no reason at all has been assigned by the trial Court for refusing to discharge the accused petitioner, such order suffers from serious infirmity." In the FIR, it is evident that there is no specific allegation against the petitioner no.2 and in course of investigation also, no material has come against the petitioner no.2.

12. This Court finds that this is the one case, in which it can be said that the petitioner, being father-in-law has been dragged on the basis of false accusations as per the allegation made in the FIR. 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***, and in absence of any material against the petitioner no.2, the order dated 01.03.2019 passed by the learned S.D.J.M., Vaishali at Hajipur, by which he



has rejected the discharge petition filed by the petitioner no.2, is hereby **quashed and set aside with respect to petitioner no.2.**

13. The application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2025
Transmission Date	08.12.2025

