

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29956 of 2024

Arising Out of PS. Case No.-437 Year-2021 Thana- KHAJEKALA District- Patna

Rikku Jaiswal @Rikku Kumar Son of Bharat Jaiswal @ Bharat Prasad
Resident of Village- Alamganj Chouki Nalband Toli, Pani Tanki, PS-
Alamganj, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Kumari Wife Of Rikku Jaiswal Resident Of Village- Rai Jai Krishna Road, Gurhatta, Ps- Khajekala, Dist- Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 7746 of 2024

Arising Out of PS. Case No.-437 Year-2021 Thana- KHAJEKALA District- Patna

1. Munni @ Munni Devi W/O- Bharat Jaiswal @ Bharat Prasad
2. Bharat Jaiswal @ Bharat Prasad S/O- Late Prameshwar Prasad
3. Ravi Kumar @ Ravi Jaiswal S/O- Bharat Jaiswal @ Bharat Prasad
4. Ashish Kumar @ Ashish Jaiswal S/O- Bharat Jaiswal @ Bharat Prasad
5. Khushi @ Khushi Kumari W/O- Ravi Kumar @ Ravi Jaiswal
6. Khushbu @ Khushbu Raj @ Khushboo Kumari
All are resident of Mohalla- Alamganj Chouki Nalband Toli, Pani Tanki,
P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Kumari W/O- Rikku Jaiswal and D/O Pradeep Jaiswal, R/O- Rai Jai Krishna Road, Gurhatta, P.S.- Khajekala, Dist.- Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11110 of 2024

Arising Out of PS. Case No.-800 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

1. Rikku Jaiswal @ Rikku Kumar @ Amit Jaiswal Son of Bharat jaiswal @ Bharat Prasad,
2. Munni @ Munni Devi Wife of Bharat Jaiswal @ Bharat Prasad



3. Bharat Jaiswal @ Bharat Prasad Son of late Prameshwar Prasad
 4. Ravi Kumar @ Ravi Jaiswal Son of Bharat Jaiswal @ Bharat Prasad
 5. Ashish Kumar @ Ashish Jaiswal Son of Bharat jaiswal @ Bharat Prasad
 6. Khushi @ Khushi Kumari Wife of Ravi Kumar @ Ravi Jaiswal
 7. Khushbu @ Khushbu Raj @ Khushboo Kumari Wife of Ashish Kumar @ Ashish Jaiswal
- All are Resident of Mohalla- Alamganj Chouki Nalband Toli, Pani Tanki,
P.S.-Alamganj, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Kumari Wife of Rikku Jaiswal @ Rikku Kumar @ Amit Jaiswal and
D/o Pradeep Jaiswal Resident of Rai jai Krishna Road, Gurhatta, P.S.-
Khajekala, Distt.-Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29956 of 2024)

For the Petitioner/s : Mr.Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

(In CRIMINAL MISCELLANEOUS No. 7746 of 2024)

For the Petitioner/s : Mr.Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

(In CRIMINAL MISCELLANEOUS No. 11110 of 2024)

For the Petitioner/s : Mr.Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 14-10-2025 Heard learned counsels appearing on behalf of the

petitioners and the learned APP for the State.

2. The present application has been filed for quashing
of order dated 02.11.2023 passed by the learned Judicial
Magistrate Ist class, Patna City in G.R.No.4945 of 2021 arising
out of Khajekala PS Case No.437/2021, whereby the cognizance
has been taken for the offence under Sections 341, 323, 498A,
354, 420, 506,509/34 of the IPC and Section 3/4 of the DP Act



and further also for quashing of the entire proceeding in connection with CA No.800 of 2021 pending in the court of the learned SDJM, Patna City.

4. The record reveals that the parties have entered into compromise against the permanent alimony of Rs. 2,50,000/-. It has been informed that out of Rs.2,50,000/-, already a sum of Rs. 1,65,000/- has been paid and today in presence of the respective learned counsels, O.P.no.2 (Radha Kumari) received a bank draft of Rs.85,000/- (Eighty Five Thousand only) bearing Bank Draft No.357300 dated 11.08.2025. As such, O.P. No.2 received her total alimony amount of Rs.2,50,000/-, as agreed in one time settlement.

5. Heard the parties.

6. The present case relates to matrimonial dispute between the petitioner and Opposite Party No.2, who are husband and wife respectively. Opposite Party No.2 has alleged that due to non-fulfillment of the dowry, she was subjected to various sorts of cruelty by her in-laws. The Judicial Magistrate Ist Class, Patna City has taken cognizance under Sections 341, 323, 498A, 354, 420, 506 and 509/34 of IPC and Section 3/4 of DP Act.

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/FIR are entertained by the learned District Court. The Apex Court in case of *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in **(2025) 4 SCC 78**, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, finally concluded that offences arising out of matrimonial dispute particularly relating to dowry etc. or a family dispute where wrong is committed to the victim by the offenders and his family, can be settled amicably and also 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 Section 498A of IPC is made out against petitioner.

8. In such circumstances, further proceeding in connection with G.R.No.4945 of 2021 arising out of Khajekala P.S. Case No.437/2021 and C.A. No.800 of 2021 is not required considering the fact that the parties have amicably settled their strained relationship by one time settlement.

9. Accordingly, the entire criminal proceeding in connection with GR No.4945/2021 arising out of Khajekala PS



Case No.437 of 2021 pending in the court of the learned J.M. Ist class, Patna City and C.A. No.800 of 2021 is hereby set aside and quashed.

10. The parties will withdraw their respective cases filed against each other within a period of 15 days from the date of passing of this order.

11. The quashing applications stands disposed of.

(Purnendu Singh, J)

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