

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27675 of 2025

Arising Out of PS. Case No.-81 Year-2023 Thana- NAUTAN District- West Champaran

1. Manoj Kumar Srivastava S/O Late Kanhaiya Prasad R/O Motihari Tand, P.S- Bairiya, Distt.- West Champaran.
2. Anshu Devi @ Madhu Devi W/O Manoj Kumar Srivastava R/O Motihari Tand, P.S- Bairiya, Distt.- West Champaran.
3. Divyank @ D.K. @ Divyank Kumar Srivastava S/O Manoj Kumar Srivastava R/O Motihari Tand, P.S- Bairiya, Distt.- West Champaran.
4. Shashank @ Sanni @ Shashank Kumar S/O Manoj Kumar Srivastava R/O Motihari Tand, P.S- Bairiya, Distt.- West Champaran.
5. Puja Devi @ Puja Verma W/O Divyank @ D.K. @ Divyank Kumar Srivastava R/O Motihari Tand, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mani Kumari W/O Rahul Kumar Srivastava R/O Motihari Tand, P.S- Bairiya, Dist.- West Champaran.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28519 of 2025

Arising Out of PS. Case No.-81 Year-2023 Thana- NAUTAN District- West Champaran

Rahul Kumar Srivastava @ Rahul Srivastava @ Rahul kumar S/o Manoj Kumar Srivastava R/o Motihari Tand, P.S.- Bairiya, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mani Kumari W/o Rahul Kumar Srivastava R/o Motihari Tand, P.S.- Bairiya, Distt.- West Champaran At present R/o Bathwaliya, P.S.- Nautan, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27675 of 2025)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

For the O.P. No.2 : Mr. Dipak Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 28519 of 2025)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

For the O.P. No.2 : Mr. Dipak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH



ORAL ORDER

3 04-11-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The present application has been filed under Section 528 of BNSS for quashing the order dated 22.07.2023 passed by the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No.81 of 2023 by which learned S.D.J.M. has taken cognizance of offence against the petitioners under Sections 498 A/34 of the Indian Penal Code.

3. The allegation is of subjecting the informant – opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court has not considered that the allegation is not against the society. He further submitted that the material available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioner cannot sustain in the eye of law. He further submitted that in Cr. Misc. No.27675 of 2025 the petitioner nos. 1 and 2 are the father-in-law and mother-in-law of the opposite party no. 2, whereas,



petitioner no.3 and 4 are brothers of the husband of the O.P. No.2 and the petitioner no.5 is the wife of sister-in-law of the husband of the O.P. No.2. 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.

5. Both the parties submitted that matter be referred for mediation

6. Heard the parties.

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 are entertained by the learned District Court.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. From perusal of the complaint, it is evident that in Cr. Misc. No.27675 of 2025 there is no specific allegation against the the petitioner no. 1 is the father-in-law of the opposite party no. 2, whereas, petitioner no.3 and 4 are brothers



of the husband of the O.P. No.2 and the petitioner no.5 is the sister-in-law of the husband of the O.P. No.2. In light of the recent judgment of the 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 and Section 4 of D.P. Act is made out against petitioner nos. 2 and 3. Accordingly, the entire proceedings and order taking cognizance dated 29.09.2025 passed in C.R. No.1050/2022 is hereby **set aside and quashed to the extent it relates to petitioners no. 1, 3, 4 and 5.**

Re:Cr. Misc. No.28519 of 2025

10. So far as, the petitioner no.1 (husband of O.P. No.2) in Cr. Misc. No.28519 of 2025 and the petitioner no.2 (mother-in-law of O.P. No.2) in Cr. Misc. No.27675 are concerned, a reference can be taken to law laid down by 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.

11. 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, as has been held in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**, in paragraph nos. 12 and 13 by the Hon'ble Supreme Court, which is 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.*

12. 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 and 31 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.”

13. The petitioner no. 1 in Cr. Misc. No.28519 of 2025, who is husband of the opposite party no. 2, along with his mother (petitioner no.2 in Cr. Misc. No.27675 of 2025) desire to settle the dispute amicably. This Court finds it proper in the interest of husband (petitioner no. 1 in Cr. Misc. No.28519 of 2025), along with his mother (petitioner no.2 in Cr. Misc. No.27675 of 2025) and wife (opposite party no. 2), as there is no objection to arrive at a mutual terms and conditions of settlement, that certain time is required.

14. The parties seek to settle their strained matrimonial relationship amicably, the learned District Court shall also strive till last to settle the dispute outside the Court

15. Petitioner no. 1 (husband of O.P. No.2) in Cr. Misc. No.28519 of 2025 along with petitioner no.2 (mother-in-law of O.P. No.2) in Cr. Misc. No.27675 of 2025 and opposite party no. 2 have agreed to appear before the learned District Court on 27.11.2025 at 10:30 AM.

16. Learned District Court is directed to take



necessary steps to refer the matter before the learned Mediator of the District Mediation Center.

17. 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 no.1 in connection with the aforesaid case.

18. 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.

19. In case of failure on the part of the petitioners to appear on 27.11. 2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

20. In case, it is deliberate on the part of the petitioners and they fail 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, continuing with the criminal proceeding will amount to abuse of process of court and the interim protection



granted to petitioners shall continue and the proceeding against them is required to be dropped, in accordance with law.

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

(Purnendu Singh, J)

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