

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28580 of 2025**

Arising Out of PS. Case No.-556 Year-2019 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

=====

Renuka Kumari @ Renuka Devi W/o- Kumar Aashutosh @ Kumar Ashutosh  
@ Kumar Ashtosh Resident of Kodail PS-Amba District- Aurangabad AT  
Present Residing at Village- Poldih PS-Hussainabad District- Palamu  
Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kumar Aashutosh @ Kumar Ashutosh @ Kumar Ashtosh S/o- Ashok Kumar  
Singh R/o- Kodail Ps- Amba Dist- Aurangabad, P/A Village- Laheriyaganj  
Ward no-1, Near Indra Parisar Colony Bhuwan Mandir, Ps- Madhubani  
District- Madhubani

... .. Opposite Party/s

=====

**Appearance :**

|                            |   |                                                                     |
|----------------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Ms. Sakshi Deep, Advocate |
| For the Opposite Party/s : |   | Mr. Md. Ataur Rahman, APP<br>Mr. Mrigendra Kumar, Advocate          |

=====

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      04-11-2025                      Heard Mr. Krishna Prasad Singh, learned Senior  
  
counsel along with Ms. Sakshi Deep appearing on behalf of the  
  
petitioner; Mr. Mrigendra Kumar, learned counsel for the  
  
opposite party no. 2 and Mr. Md. Ataur Rahman, learned APP  
  
for the State.

2. The present application has been filed under  
  
Section 528 BNSS for quashing of the order dated 29.01.2025  
  
passed in Criminal Misc. No. 10 of 2025 by the learned  
  
Sessions Judge, Aurangabad, by which he has rejected the  
  
petition filed by the petitioner for cancellation of regular bail



granted by the learned District Court in Regular Bail Petition No.1052/2024 on 27.11.2024.

3. The allegation is of subjecting the petitioner to various sorts of torture due to non-fulfillment of the demand of the dowry by the O.P. No.2.

4. Mr. Krishna Prasad Singh learned Senior counsel along with Ms. Sakshi Deep appearing on behalf of the petitioner submitted that the petitioner, who is the wife of the O.P. No.2, is ready for one time settlement. Petitioner has suffered a lot and she finds that no purpose will be served if any coercive action will be taken against the O.P. No.2, if the matter can be resolved amicably outside the Court through mutual settlement.

5. Learned counsel appearing on behalf of O.P. No.2 is also of the opinion that the parties have strained their matrimonial relationship and it can be settled outside the Court amicably, considering the fact that the matrimonial dispute is not a crime against the society and therefore, a chance be given to the parties to settle their strained relationship.

6. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 27.11.2025.

7. Heard the parties.



8. Having considered the rival submissions made on behalf of the parties. They mutually agreed to appear on 27.11.2025 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 27.11.2025 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. Accordingly, the present quashing application stands disposed of.

**(Purnendu Singh, J)**

Ashishsingh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

