

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27654 of 2025

Arising Out of PS. Case No.-61 Year-2024 Thana- MAHILA PS District- Darbhanga

1. Mukesh Mishra S/o Udaychandra Sadhukant Mishra
2. Kiran Mishra W/o Mukesh Mishra
3. Shobhan Mukesh Mishra S/o Mukesh Mishra
4. Shivanghi Mukesh Mishra @ Siwani Mishra D/o Mukesh Mishra
5. Snehlal Mukesh Mishra @ Sneha Mishra D/o Mukesh Mishra
All R/o vill - Ketua, P.S.- Sadar, Distt.- Darbhanga, Presently reside at
Mohalla - 104, Raj Hight, near Purbi Dairy, Nalasopara West, P.S.-
Nalasopara West, Distt.- Palghar (Mahastra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapna Kumari W/o Shobhan Mukesh Mishra D/o Nunu Jha, R/o vill -
Bathiya, ward no. 7, P.O. and P.S. - Manigachi, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-09-2025

Heard learned counsel 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 18.10.2024 passed by the learned SDJM,
Darbhanga in Trial No.3940 of 2024 arising out of Mahila
P.S.Case No.61 of 2024 whereby the cognizance has been taken
under Sections 498A, 341, 323, 379, 504/34 of IPC and Section
¾ of DP Act.



3. Learned counsel appearing on behalf of the petitioners submitted that the learned district court referred the matter before the District Mediation Centre, Darbhanga, in which the order of the learned Mediator was sent to the learned district court concerned upon arriving at a mutual consent as both the parties (husband and wife) have settled their dispute after reaching one time settlement. The petitioners have agreed to pay settled amount of Rs.4.50 lac and an amount of Rs.1.50 lac was deposited in the account of Sapna Kumar (OP No.2) in her account no.35533875740 and subsequently issued a cheque for a sum of Rs.3 lac on 24.01.2025, which has incorrectly been mentioned as 24.12.2025 by the learned counsel appearing on behalf of the petitioners. On these grounds, the learned counsel submitted that in the interest of justice, he seeks quashing the entire proceeding.

4. Learned APP for the State has vehemently opposed the prayer of the petitioners. He has drawn attention of the Court that there are calls transfer in respect of Rs.1.50 lac between the parties and a cheque for Rs.3 lac was handed over to OP No.2 on 24.01.2025 but it is not clear as to whether the said amount was credited into her account.

5. Heard the parties.



6. The Apex Court has deprecated that the matrimonial litigation should not be encouraged and opportunity be given to the parties to ponder over their default and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law. The principle of law is laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in **(2003) 4 SCC 675**, wherein the Apex Court 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.”*

7. In the present case, the parties have entered into one time settlement. A sum of Rs.4.50 lacs is the agreed amount between the parties, which the petitioners are liable to pay to the



O.P. No.2, out of which, the petitioners have paid through bank transactions a sum of Rs.1.50 lacs to the O.P. no.2 and for the remaining amount of Rs.3 lacs, they have issued a cheque in the name of Sapna Kumari (O.P. No.2) of the Bharat Cooperative Bank, Mumbai Ltd. There is no information, as to whether, the cheque amount has been credited into the account of O.P. No.2.

8. In such circumstances, I find it proper to direct the learned district court concerned to verify from the O.P. No.2 regarding payment of remaining amount of Rs.3 lacs. In case, the O.P. No.2 informs that she has received the entire amount, then in that case, it is the duty of the learned District Court to drop the entire proceedings against the petitioners.

9. The present quashing application is accordingly allowed.

(Purnendu Singh, J)

chn/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	30.09.2025
Transmission Date	NA

