

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32529 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- DIGHA District- Patna

Gaurav Kumar Verma @ Gaurav Kr. Verma S/O Ravindra Prasad @ Ravindra Prasad Verma Resident of Village- Kurji Balupar, P.S- Digha, District- Patna.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikki Kumari D/O Prem Shankar Verma R/O North Nehru Nagar, P.S- Patliputra, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Jha, Advocate Mr. Avinash Chandra, Advocate Mr. Keshav Kumar Jha, Advocate Mr. Rahul Kumar, Advocate Mr. Alok Kumar Jha
For the State	:	Mr. Pramod Kumar Pandey, Advocate
For O.P. No.2	:	Mr. Madhav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel appearing on behalf of the petitioner; learned counsel for the opposite party no. 2 and learned APP for the State.

2. The petitioner has preferred the application under Section 482 Cr.P.C. / 528 BNSS for quashing of the order dated 25.03.2025 passed by learned Additional Chief Judicial Magistrate- IX, Patna, and also the order dated 17.04.2025 passed by learned District and Sessions Judge, Patna in criminal Revision No.199/2025, affirming the order dated 25.03.2025 passed by the learned Additional Chief Judicial Magistrate- IX, Patna, by which the learned District Court has cancelled the bail



of the petitioner and directed to issue non-bailable warrant.

3. The prosecution story, in short is that marriage of the O.P. No.2 was solemnized with the petitioner on 13.12.2023. At the time of the marriage, father of O.P. No.2 gave cash of Rs.15 lakhs, jewellery etc., but even after that, the family members of her husband demanded gold chain and other articles and for non-fulfillment of demand of the same, her husband, in-laws and other family members assaulted and tortured the O.P. No.2. When the family members of the O.P. No.2 came to her matrimonial house, the accused persons also abused and assaulted them, forcing the O.P. No.2 to file complaint against the petitioner and his family members on 28.06.2024.

4. This matter was heard in Chambers, considering the fact that the parties will arrive at amicable settlement, so that they can lead happy married life but they refused to live together. Still this Court granted time to ponder and had directed the present case to be re-notified today.

5. Today it has been informed on behalf of the respective parties that they have agreed that they will file a joint compromise petition to dissolve their marriage by way of one time settlement, for which they require time to appear before the learned District Court on 09.12.2025.



6. It is a settled principle of law that 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.

7. In this regard, I find it apt to refer the observation of 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 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.

8. The Apex Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.**, reported in **(2013) 4 SCC 58**, in Paragraph Nos. 14, 16 & 17 has held as under:

“14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi [(2003) 4 SCC 675 : 2003 SCC (Cri) 848] , this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends



of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.

17. In the light of the above discussion, we hold that the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code. Under these circumstances, we set aside the impugned judgment of the High Court dated 4-7-2012 passed in Rajendra Singh Raghuvanshi v. Aarkshi Kendra Police Mahila Thana [Misc. Criminal Case No. 2877 of 2012, decided on 4-7-2012 (MP)] and quash the proceedings in Criminal Case No. 4166 of 2011 pending on the file of the Judicial Magistrate Class I, Indore.”

9. The Apex Court reiterated its view in the case of **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in **(2014) 9 SCC 653** in Paragraph Nos. 4 & 5 which is as under:

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988]). However, in a given case, the High Court can



quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] this Court has observed that: (SCC p. 340, para 58)

“58. 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.”

Needless to say that the above observations are applicable to this Court also.”

10. As informed on behalf of the parties and taking into consideration their interest, I don't find to keep the present case pending before this Court, rather the parties may file a joint



compromise petition for one time settlement, as agreed between them before the learned District Court, so that they can live their respective life as they desire.

11. Learned District Court shall consider the case in light of the law laid down by the Apex Court as referred herein-above.

12. In case, they fail then in that circumstances, the learned District Court will proceed to refer the matter before the learned Mediator of the District Mediation Centre, so that they can arrive at a mutual settlement to resolve their dispute amicably by arriving to any agreeable terms and conditions, which is required to be filed well within a period of four months.

13. 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.

14. 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.

15. In case of failure on the part of the petitioner to appear on 09.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

16. In case, it is deliberate on the part of the petitioner and he fails 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, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

17. In the meantime, the parties may avail remedy for dissolution of their marriage, if they find so, before the learned Principal Judge having jurisdiction.

18. It goes without saying that the opposite party no.2 does have all her legal right in the property of her husband.

19. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

