

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38554 of 2024

Arising Out of PS. Case No.-553 Year-2021 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Amit Kumar S/o Late Satish Kumar @ Satish Prasad R/O R29, Lane No. 3, Bela Road, Ward No. 48, Bankers Colony, P.S. Mithanpura, Dist. Muzaffarpur
 2. Manorma Devi @ Manorma Srivastava W/o Late Satish Kumar @ Satish Prasad R/o Swami Vivekanand Nagar, Ward no. 28, Near Clinic of Dr. Madan Mohan Thakur, Chakmahila, P.S. - Town, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Preeti Kumari W/o Sri Amit Kumar, D/o Sri Sadanand Prasad Sinha R/o GW 50 Gayatri Vastu Vihar, Phase 1, Panchamba, Begusarai, At present posted as Assistant Manager (Financial Head Inclusion Section), Uttar Bihar Gramin Bank, Head Office Kalambag Chowk, Post - GPO, Distt. - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

For the O.P. No.2 : Mr. Satyendra Kr. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-11-2025 Heard learned counsels appearing on behalf of the petitioners; learned APP for the State and learned counsel appearing on behalf of the O.P. No.2.

2. The petitioners have preferred application under Section 482 of CrPC for quashing the order dated 07.05.2022 passed by learned Sub-Divisional Judicial Magistrate – cum – Additional Chief Judicial Magistrate – IX, Muzaffarpur (E) in



Complaint Case No.553 of 2021, by which cognizance of the offences has been taken under Sections 498(A), 323, 504 and 506 of the Indian Penal Code and Sections 3 and 4 of the DP Act against the petitioners.

3. Learned counsels appearing on behalf of the respective parties informs that the petitioner no.1 (the husband of O.P. No.2) and O.P. No.2 (wife) have resolved their matrimonial dispute through amicable settlement. They have found it proper in their interest to get separated. The petitioner no.1 has agreed to make payment of a sum of Rs.16 lakhs in four installments, as mentioned in the terms and conditions of the memorandum of agreement in Mediation Proceeding No.960 of 2025 (Arising out of Cr. Misc. No.38554 of 2024) dated 01.11.2025 in presence of learned Mediator and respective counsels for the parties. It is expected from the petitioners that they will abide by the terms and conditions of the memorandum of said agreement by making payment of the entire amount in terms of the specified dates of the agreement.

4. Heard the Parties.

5. As it is a well-settled principle of law that matrimonial disputes, by their very nature, do not constitute offences against society rather it is a private conflicts between



the parties involved typically the husband and wife. Such disputes arise out of personal relationships and domestic circumstances, and therefore, their character is predominantly civil rather than criminal. The Apex Court, in case of ***B.S. Joshi v. State of Haryana***, reported in (2003) 4 SCC 675, has categorically recognized this distinction in paragraphs 12 and 13 which are 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.*

6. 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.

7. Accordingly, the entire proceedings and order taking cognizance dated 07.05.2022 in connection with the Complaint Case No.553 of 2021 passed by learned Sub-Divisional Judicial Magistrate – cum – Additional Chief Judicial Magistrate – IX, Muzaffarpur (E) is hereby **set-aside and quashed**.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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