

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33128 of 2025

Arising Out of PS. Case No.-1094 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Vishwamitra Giri S/O Late Sudama Giri R/O Village- Gosai Tola, P.S-
Mirganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi D/O Baliram Giri, W/O Vishwamitra Giri R/O Village-
Ladhiwar, P.S- Thawe, Distt.- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-11-2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The present application has been filed under
Section 528 of the BNSS for quashing of the order dated
30.05.2022 passed in Trial Case No. 1770 of 2025 arising out of
Complaint Case No. 1094 of 2020 by the learned Judicial
Magistrate, 1st Class, Gopalganj, whereby cognizance has been
taken under Section 498A of the Indian Penal Code.

3. The allegation is of subjecting the 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, without considering the material available on record and applying its judicial mind has taken cognizance against the petitioner in most mechanical manner, which cannot sustain in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred, in such circumstances, the Court must allow the parties to ponder so that they can reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned APP is also of the same view and submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. The petitioner has 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. The petitioner has 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, the petitioner has agreed to settle the dispute outside the Court and he has 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 issue notices to the respective parties and upon their appearance, 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. In case of failure on the part of the petitioner 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 petitioner shall automatically lose its force.



15. 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.

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

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.11.2025
Transmission Date	05.11.2025

