

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39354 of 2024

Arising Out of PS. Case No.-17 Year-2016 Thana- MAHILA P.S. District- Patna

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1. Pradeep Kumar Singh S/o Hari Shankar Singh R/o Village- Laxman Puram Colony, Bajardiha Road, P.S.- Bhelupur, Varanasi, District- Varanasi (U.P)
 2. Hari Shankar Singh S/o Late Ram Pariksha Singh R/O Village- Laxman Puram Colony, Bajardiha Road, P.S.- Bhelupur, Varanasi, District- Varanasi (U.P)
 3. Nirmala Singh W/o Hari Shankar Singh R/o Village- Laxman Puram Colony, Bajardiha Road, P.S.- Bhelupur, Varanasi, District- Varanasi (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Singh W/o Pradeep Kumar Singh D/o Bajendra Prasad Singh R/o P.C Colony, Kankarbagh, P.S.-Kankarbagh, Patna, District- Patna, PIN-800020

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha, Advocate.
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 02-09-2025

Heard Mr. Manendra Kumar Sinha, learned counsel
appearing on behalf of the petitioners and Mr. Narendra Kumar
Singh, learned APP for the State.

2. The petitioners have filed the present application
under Section 482 Cr.P.C. for quashing of the entire proceeding
of Mahila P.S. Case No. 17 of 2016 (G.R. No. 2350 of 2016)
and also the cognizance order dated 28.08.2017 passed by the
learned Judicial Magistrate First Class, Patna, whereby the
learned Magistrate has taken cognizance against the petitioners
under Section 498A/34 of the Indian Penal Code and Section 3/4



of the D.P. Act.

3. Allegation is of deserting the opposite party no.2 who is the wife of petitioner no.1 due to non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that from perusal of the F.I.R. and also as regard to the subsequent development which has taken place during the pendency of the present application, the petitioner no.1 and the informant have together decided to dissolve their marriage which had taken place on 26.11.2015. Learned counsel submits that vide order dated 24.04.2024 passed in Matrimonial Case No. 1843 of 2022 under Section 13B of the Hindu Marriage Act, 1955 by the learned Principal Judge, Family Court, Varanasi, the marriage solemnized between the parties on 26.11.2015 has been dissolved and the parties don't want to proceed with any case now onwards. Learned counsel, in this view, submitted that no case is made out against the petitioners and the entire criminal proceeding in connection with Mahila P.S. Case No. 17 of 2016 pending in the Court of learned Judicial Magistrate First Class, Patna is fit to be set aside and quashed in light of the law laid down by the Apex Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita**



Raghuvanshi & Ors., reported in **(2013) 4 SCC 58** and **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in **(2014) 9 SCC 653**.

5. Having heard the rival submissions made on behalf of the parties, as well as, having perused the order dated 24.04.2024 passed in Matrimonial Case No. 1843 of 2022, I find that the marriage solemnized between the petitioner no.1 and the opposite party no.2 on 26.11.2015 has been dissolved and they are leading their independent life. They have also accepted that from the dissolution of their marriage vide order dated 24.04.2024, they will not proceed with any case against each other.

6. In this regard, Apex Court in the case of **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in **(2014) 9 SCC 653** in Paragraph Nos. 4 & 5 has held 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.”

7. 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.”

8. Further, the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**, in paragraph no. 12, 13, 14 and 15 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.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling



earlier. That is not the object of Chapter XX-A of the Penal Code, 1860.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

9. In view of the information given in the order dated 24.04.2024 passed in Matrimonial Case No. 1843 of 2022 by the learned Principal Judge, Family Court, Varanasi under Section 13B of the Hindu Marriage Act, 1955, I find that in light of the law laid down by the Apex Court as discussed hereinabove, continuation of the criminal proceeding against the petitioners will be abuse of process of law. Accordingly, entire proceeding in connection with Mahila P.S. Case No. 17 of 2016 (G.R. No. 2350 of 2016) and also the cognizance order dated 28.08.2017 are set aside and quashed.

10. However, the parties may avail appropriate remedy in accordance with law.

11. The quashing application stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.09.2025
Transmission Date	N.A.

