

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39605 of 2024

Arising Out of PS. Case No.-2900 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Surendra Prasad S/o Late Babu Lal Mahto Resident of Mohalla-Dhobi Tola Gali, Near Bhola Mahto General Shop, North Mandiri, P.S.-Budha Colony, District-Patna
 2. Manju Devi W/o Surendra Prasad, Resident of Mohalla-Dhobi Tola Gali, Near Bhola Mahto General Shop, North Mandiri, P.S.-Budha Colony, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nivedita Verma D/o Sri Devendra Prasad Verma R/O Village-Sadisopur, Post-Sadisopur, P.S.-Bihta, District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh, Advocate.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP.
For O.P. No.2	:	Dr. Chandra Shekhar Azad, Advocate. Mr. Navendu Prakash, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-10-2025 Heard learned counsel appearing on behalf of the

petitioners, learned APP for the State and learned counsel for the

opposite party no.2.

2. The present application has been filed under
Section 482 Cr.P.C. for quashing of the order taking cognizance
dated 15.06.2022 passed in Complaint Case No. 2900(C) of
2020 by the learned SDJM, Patna, whereby learned Magistrate
has taken cognizance against the petitioners under Section 498A
of the Indian Penal Code and Section 3/4 of the Dowry



Prohibition Act.

3. The allegation is of subjecting the complainant – 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 SDJM, Patna in the most mechanical manner, without applying his judicial mind that the matter is purely civil in nature and without considering the material available on record, has taken cognizance against the petitioners under Section 498A of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act vide order dated 15.06.2022, which cannot sustain in the eye of law. Learned counsel submitted that the petitioners who are father-in-law and mother-in-law will ensure to diffuse the strained relationship between the parties. He further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned APP and learned counsel appearing on behalf of the opposite party no.2 jointly submitted that opportunity shall be given to the parties to reconcile their



dispute amicably.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, I find that the parties have failed to settle the matrimonial dispute, the Court till last minute must strive to give opportunity to the parties to settle the dispute between the husband and wife amicably. 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. Continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioners.

8. In this regard, the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25, 31 and 32 has held as under:-

“25. This Court, in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735***, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between



the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

*31. We also refer to **Gian Singh vs. State of Punjab, (2012) 10 SCC 303** wherein this Court observed that 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. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.*

*32. In **Naushey Ali vs. State of U.P., (2025) 4 SCC 78**, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.*

9. Both the parties have agreed to appear before the learned District Court on 11.11.2025 at 10:30 AM.

10. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center.



11. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute 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 petitioners in connection with the aforesaid case.

12. In case of failure on the part of the petitioners to appear on 11.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

13. In case, the parties fail to reconcile, then in that case, the learned District Court shall proceed with the trial.

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. Accordingly, the present quashing application stands disposed of.

(Purnendu Singh, J)

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