

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36569 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- MAHILA P.S. District- Saran

1. Prabha Devi W/O Satya Dev Prasad R/O Village- Bada Telpa Chauk, P.S- Town, Distt.- Saran at Chapra.
2. Satya Dev Prasad S/O Late Kuldeep Singh R/O Village- Bada Telpa Chauk, P.S- Town, Distt.- Saran at Chapra.
3. Shailesh Prasad @ Shailesh Kumar S/O Satya Dev Prasad R/O Village- Bada Telpa Chauk, P.S- Town, Distt.- Saran at Chapra.
4. Anita Devi W/O Shailesh Prasad R/O Village- Bada Telpa Chauk, P.S- Town, Distt.- Saran at Chapra.

.. ... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Gupta W/O Rakesh Kumar, D/O- Ashok Kumar Gupta Present and Permanent Address- Resident of Village- Husse Chapra, P.S- Town, Distt.- Saran at Chapra.

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the O.P. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-11-2025

No one appeared on behalf of the O.P. No.2. Learned counsels appearing on behalf of the petitioners and learned APP appearing on behalf of the State have tendered their appearance.

2. The petitioners have preferred the application under Section 528 of the BNSS for quashing the order taking



cognizance dated 02.09.2024 (Arising out of Saran Mahila P.S. Case No.20 of 2024 for the offences under Sections 498(A), 354, 379 and 34 of the Indian Penal Code and T.R. No.3763 of 2024) passed by learned Sub-Divisional Judicial Magistrate, by which cognizance of the offences has been taken under Sections 341, 323, 498(A), 504 and 34 of the Indian Penal Code against the petitioners.

3. The prosecution story, in short, is that the informant was married to one Rakesh Kumar in the year 2011. At the time of marriage, the informant's family allegedly gave Cash-Gift of Rs.15 lakh, Rs.10 lakh in cash and Rs.10 lakh for Jewellery and Rs.4 lakh for furniture. After marriage the informant started living with her husband in Pune. In the year 2020 the informant's husband came to his home with the informant, where all his family members started to torture the informant both mentally and physically thereafter the informant came to her maternal home. In February, 2024 the informant went to Pune with her father, where her husband abused her father and ousted them from his flat.

4. Learned counsel appearing on behalf of petitioners informs that O.P. No.2 was married with the son of the petitioner nos.1 and 2 (who are mother-in-law and father-in-law



of O.P. No.2, respectively), namely Rakesh Kumar, who is working in some private company in Pune. Petitioner nos.3 and 4 are brother and sister-in-law of the husband of the O.P. No.2, respectively. The O.P. No.2, on her own, residing at her parental home and she never thought of living with her in-laws. In such circumstances, the petitioners, who are closed family members of the husband of O.P. No.2 and are facing criminal prosecution, can only be said to be unwarranted in absence of any specific allegation against them.

5. Learned APP appearing on behalf of State submitted that *vide* order dated 29.07.2025 notices were issued to O.P. No.2 and office has given information that the O.P. No.2 has appeared through *Vakalatnama*.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that O.P. No.2 has appeared through *Vakalatnama*, but today no one appeared on her behalf.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.



9. It is commonly seen in the society that the entire family members, as well as, relatives are made accused along with the husband to face criminal prosecution. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court.

10. From perusal of the complaint, it is evident that there is no specific allegation against the petitioners no. 2 to 4, who are father-in-law, brother-in-law and *Gotani* (wife of brother-in-law) and allegation against them is general and omnibus.

11. It has been held by the Apex Court that 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. 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 by the Hon'ble Supreme Court, 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.

12. Recently also the Apex Court in the case of ***Navneesh Aggarwal & Ors. v. State of Haryana & Anr.*** reported in **2025 INSC 963**, has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

13. I find that no case under Section 498A and other allied sections of IPC and Section 3/4 of D.P. Act is made out against petitioner nos.2 to 4. Accordingly, the entire proceedings and order taking cognizance dated 02.09.2024 (Arising out of Saran Mahila P.S. Case No.20 of 2024 for the offences under Sections 498(A), 354, 379 and 34 of the Indian Penal Code and T.R. No.3763 of 2024) passed by learned Sub-Divisional Judicial Magistrate is hereby **set aside and quashed to the extent it relates to petitioners no. 2 to 4.**

14. Recently, 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 and 31 dealing with the cases related to dowry has held that opportunity be given to the parties first to reconcile. Paragraphs no. 23 and 31 are *inter alia* reproduced hereinafter:-

“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.”

15. 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.

16. In the present case, so far as, the petitioner no.1 (mother-in-law of the O.P. No.2) is concerned, she along with her son, has agreed to settle the dispute outside the Court and she has willingly desired to appear along with her son before the learned District Court on 17.12.2025 at 10:30 AM.

17. 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.

18. 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 no.1 in connection with the aforesaid case.

19. 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.

20. In case of failure on the part of the petitioner no.1 to appear on 17.12.2025 along with her son 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.

21. In case, it is deliberate on the part of the petitioner no.1 and reconciliation fails, 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 no.1 shall continue and the trial shall proceed in accordance with law.

22. Accordingly, the present quashing application



stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2025
Transmission Date	17.11.2025

