

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36972 of 2025**

Arising Out of PS. Case No.-2310 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Madan Kumar@ Mintu S/o Ganesh Prasad Presently residing at A/30,
Abhiyanta Nagar, Ramnagari, Digha-Asiana Road,P.S - Rajeev nagar, Patna-
800025 Petitioner/s

Versus

1. The State of Bihar
2. Asha Lata Kumari D/o Ramakant Prasad Presently residing at Mohalla -
New Chandmari, P.S.- Town Thana Motihari, Distt.- East Champaran
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT**

Date : 02-12-2025

Heard Mr. Brisketu Sharan Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Narsingh Tant,
learned APP for the State.

2. The petitioner has preferred the application under
Section 528 of the BNSS for quashing the order dated
18.01.2025 passed by learned Judicial Magistrate, Ist Class,
Motihari in Complaint Case No.2310/2024, by which
cognizance of the offences has been taken under Sections 498A
of the Indian Penal Code against the petitioner.

3. Prosecution story, in brief, is that the
complainant was married to petitioner on 18.02.2013. It is
alleged that just after few days of marriage, the petitioner along
with his parents and other co-accused demanded a sum of Rs. 5
lakh as dowry for the purchase of a flat in Patna and for non-
fulfilment her husband along with family members assaulted her



and subjected her to torture. It is further alleged that upon learning the situation, the complainant's father had visited her matrimonial home but he was not permitted to meet her until he paid a sum of Rs. 5,00,000/-, which he allegedly paid from his pensionary dues. In spite of having satisfied the demand on 12.08.2024, the complainant and her father were subjected to misbehaviour and again demanded an additional amount of Rs. 5,00,000/-. Thereafter, when the demand was not satisfied the complainant was allegedly kicked out from her matrimonial home along with her minor son, without being allowed to take her *Stridhan*.

4. Learned counsel appearing on behalf of petitioner submitted that general and omnibus allegation has been alleged against the petitioner. The complaint does not disclose any specific date, place or time concerning the alleged demand of dowry for purchasing a flat in Patna. In absence of any evidence the allegation of assault or physical torture doesn't arise. It is further submitted that the marriage admittedly had taken place in the year 2013, almost twelve years prior to the alleged incident dated 12.08.2024. Throughout this long period, the complainant did not lodge any complaint, FIR or grievance of any kind with respect to alleged dowry demand, cruelty,



torture or harassment against the petitioner. It is further submitted that the complainant voluntarily left the matrimonial home due to her personal ego and differences with the petitioner.

5. Learned APP for the State submitted that the parties have alleged against each other for having harassed as would appear from the different paragraphs of the present application and supplementary affidavit filed on behalf of the petitioner. Petitioner given information that he has filed Guardianship Case No.78 of 2024 for custody of the child being the natural guardian of the child. At the same time the O.P. No.2 has filed maintenance case no.441 of 2024, on 18.08.2024 the complainant has filed petition for enhancement of the maintenance from Rs. 30,000 to Rs. 40,000/-for her own maintenance and her child until the final decision in which the next date fixed is 10.12.2025 for further hearing of the matter in the District Court concerned.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, in view of facts and circumstances of the case and the allegation made in the FIR, I am of the opinion that the allegation of demand of dowry was



made after 12 years of the marriage. On perusal of FIR, the allegations against the petitioner and the other accused persons who are family members are general and omnibus in nature. I find that petitioner being the husband and O.P. No.2 being the wife must not be carried by their own personal ego leading to fight criminal case and dragging each other in the Court of law. The personal dispute cannot call for a criminal offence against society. In such situation, continuation of the criminal proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

8. 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.

9. The petitioner has agreed to settle the dispute outside the Court and has willingly desired to appear before the learned District Court on 17.12.2025 at 10:30 AM on the fixed date.

10. 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 for outside Court settlement by fixing a date as agreed between the parties.

11. Learned Mediator of the District Mediation Center concerned after fixing the date for appearance of the parties 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.



12. In case, the parties resolve their dispute amicably or arrive at a mutual agreement, then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

13. In case of failure on the part of the petitioner to appear on 17.12.2025 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.

14. 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.

15. Accordingly, the order taking cognizance is modified to above the above extent.

16. The present quashing application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2025
Transmission Date	09.12.2025

