

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42606 of 2024

Arising Out of PS. Case No.-312 Year-2022 Thana- KAKO District- Jehanabad

1. Shabnam Mallick @ Shabnam Naaz D/o Md. Shaukat W/o Zaki Akhtar Mallick @ Zaki Mallick R/O House C 206/2 1st Floor, Thokar No.8, Near Tayyab Masjid Shaheen Bagh New Delhi- 110025
2. Zaki Mallick @ Zaki Akhtar Mallick Son of Md. Shamim Akhtar R/O House C 206/2 1st Floor, Thokar No.8, Near Tayyab Masjid Shaheen Bagh New Delhi- 110025
3. Tabassum Firdaus D/O Md. Shaukat W/O Md. Sadan Ahmad R/O Flat No. 506, Millat Apartment Old Jasola Village Delhi- 110025
4. Md. Sadan Ahmad Son of Md. Zeya Ahmad R/O Flat No. 506, Millat Apartment Old Jasola Village Delhi- 110025

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farheen Fauzia W/o Aamir Khan D/o Mr. Mumtazzul Haque R/O Kako, P.S.- Kako, Dist.- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	None.
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP.
For O.P. No.2	:	Mr. Ram Shankar Prasad, Advocate. Mr. Md. Faiz Ahmad, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-10-2025 No one appears on behalf of the petitioners.

2. Heard learned counsel appearing on behalf of the opposite party no.2 and learned APP for the State.

3. The present application has been filed under Section 482 Cr.P.C. for quashing of the order dated 29.01.2024 passed in Kako P.S. Case No. 312 of 2022 by the learned SDJM, Jehanabad, whereby cognizance has been taken under Sections 341, 323, 504, 506 and 498A/34 of the IPC and Sections 3/4 of



the Dowry Prohibition Act.

4. Allegation against the petitioners is that the husband of the opposite party no.2 is working outside the country and taking advantage of the said situation, the petitioners who are in-laws of the opposite party no.2 subjected her to various sorts of torture due to non-fulfillment of demand of dowry.

5. Learned counsel appearing on behalf of the opposite party no.2 submitted that after marriage, the opposite party no.2 has been left to live her life alone and leaving the opposite party no.2 alone by her husband is itself a cruelty. Today, no one appeared on behalf of the petitioners after obtaining interim protection by this Court vide order dated 23.06.2025. He further submits that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. In such circumstances, this Court finds it proper that the opposite party no.2 may be given opportunity to reconcile with the petitioners and for that the husband, namely, Aamir Khan must participate to settle the dispute with his own family members and keep the opposite party no.2 with full dignity and honour. Any sort of suppression without any legal



steps taken will also amount to cruelty.

8. 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.

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. Both the parties are directed to appear before the learned District Court on 19.11.2025 at 10:30 AM.

11. Learned District Court is directed to take necessary steps to 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 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.

13. In case of failure on the part of the petitioners to appear on 19.11.2025 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.



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

15. 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.

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

(Purnendu Singh, J)

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