

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42513 of 2025

Arising Out of PS. Case No.-2625 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Mina Devi W/O Arjun Prasad Resident of Village- Quarter No. 181, E-Block, sect- 5 Bhuli Nagar, P.S- Bank More, Dhanbad, Jharkhand- 828204.
 2. Arjun Prasad S/O Late Alakh Prasad Resident of Village- Quarter No. 181, E- Block, sect- 5 Bhuli Nagar, P.S- Bank More, Dhanbad, Jharkhand- 828204.
 3. Rajeev Kumar Verma @ Abhimanyu Kumar S/O Arjun Prasad R/O First Floor, C-Building Flat No. C-IC, Sail City, P.S- Dhurva, Distt.- Ranchi, Jharkhand.
 4. Ramakant Kumar @ Sonu Kumar S/O Arjun Prasad R/O Sail E/5/181, Bhuli Nagar, P.S- Bank More, Dist.- Dhanbad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Preeti Verma W/O Dhananjay Kumar, D/O Panna Lal Verma R/O At present- C/O Late Girijanand Singh, Langar Toli, P.S- Kadamkuan, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Rashmi Jha, Advocate.
For the Opposite Party/s	:	Mr.Umeshanand Pandit, APP.
For O.P. No.2	:	Mr. Rajesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2025

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 petitioners have preferred the application under Section 528 of BNSS for quashing the order dated 29.05.2024 passed by the learned Judicial Magistrate 1st Class, Patna in Complaint Case No. 2625(C) of 2024 by which the



learned Magistrate has taken cognizance of offence against the petitioners under Sections 498A and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that the complainant was married to Dhananjay Kumar on 28.06.2023 as per Hindu rites and custom in Jagarnath Temple at Ranchi on request of Arjun Kumar and Meena Devi (parents of Dhananjay Kumar). Dhananjay Kumar was a divorcee and after due negotiation at her parental residence, the marriage was solemnized in which her father spent Rs. 4,00,000/- towards goods and Rs. 2,51,000/- gave in cash to Arjun Kumar and Dhanjay Kumar. Thereafter, she went her nuptial Home and on following days her husband stated that he is a government servant working in Suchana Bhawan having good relation with a lot of good people and he got trapped by marrying with her, firstly she thought that he was joking with her, but accused Meena Devi, Sonu, Rajeev Kumar Verma started to state that they were again cheated as no dahej was given as per their desire and started to taunt upon her. Subsequently she came at Patna with her husband and her husband returned back after saying that he will come after few days and will take her to Ranchi. After a few days, she called her husband, but he did not pick up her mobile, subsequently



blocked it. Thereafter the complainant narrated the entire episode to her sister, brother-in-law and father and on 04.1.2024 they went to Ranchi where they met with Rajeev Kumar Verma and in meanwhile Arjun Prasad, Meena Devi reached there and started to talk in filthy language and they stated that they will not keep the complainant unless they get amount as agreed. When the complainant stated that her entire jewellery with her mother-in-law, then she started to talk in abusive language and denied to give any jewellery, then she returned back to Patna. Thereafter the complainant tried to talk with her husband, but flatly refused to keep her and threaten that he is going to marry for the third time. The complainant is residing in her parental house at Langar Toli, although she wants to reside with her husband and she was regularly tortured by in law's family. Thereafter, she went to Kadam Kuan for lodging F.I.R., but she was advised to file complaint case, accordingly, this complaint case has been lodged by her.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation levelled against the petitioners is false and concocted. He further submitted that petitioner no. 1 is the mother-in-law, petitioner no.2 is the father-in-law and petitioner nos.3 and 4 are the *brother-in-law*



of the opposite party no.2. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be referred for mediation.

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

6. Heard the parties.

7. The petitioners are close family members of the husband of the opposite party no.2. 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.

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. From perusal of the complaint, it is evident that



there is no specific allegation against the petitioner nos. 3 and 4, who are brother-in-law of the opposite party no.2. In light of the recent judgment of Apex Court in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in **2025 INSC 963**, I find that no case under Sections 498A and 506 of the Indian Penal Code is made out against the petitioner nos.3 and 4. Accordingly, the entire proceeding and order taking cognizance dated 29.05.2024 passed in Complaint Case No. 2625(C) of 2024 is hereby **set aside and quashed to the extent it relates to petitioner nos. 3 and 4.**

10. So far as the petitioner nos.1 and 2 are concerned, who are mother-in-law and father-in-law of the opposite party no.2, there is specific allegation against them that they have kicked out the opposite party no.2 out of their house along with their son Dhananjay Kumar who is the husband of the opposite party no.2 and also subjected her to various sorts of torture, this Court finds 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, as has been held by 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



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.

11. Recently also, 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 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, which *inter alia* are as follows:-

“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.

12. The petitioner nos. 1 and 2, who are the mother-in-law and father-in-law of the opposite party no.2 respectively, desires that they want to settle the dispute amicably and have agreed to appear before the learned District Court on



17.12.2025 at 10:30 AM along with their son Dhananjay Kumar who is the husband of the opposite party no.2. The learned District Court shall also strive till last to settle the dispute outside the Court.

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

14. 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 nos.1 and 2 in connection with the aforesaid case.

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. In case of failure on the part of the petitioner nos. 1 and 2 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 nos. 1 and 2 shall automatically lose its force.



17. In case, it is deliberate on the part of the petitioners nos. 1 and 2 and they fail 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, continuing with the criminal proceeding will amount to abuse of process of court and the interim protection granted to petitioner nos. 1 and 2 shall continue and the proceeding against them is required to be dropped in accordance with law.

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

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2025
Transmission Date	24.11.2025

