

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38542 of 2025

Arising Out of PS. Case No.-28710 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Md Jamal Ekram Son Of Late Md Ekram R/O Vill-Gogia Pothia, P.S.
Forbesganj, District Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maimuna Ali @ Mona ali D/o Saiyad Arshad Imam Resident of Mohalla-
Imam Complex , Sabji Bag, Opposite Catholic Church Ashok raj Path, P.S
Pirbahore , Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md Naushaduzzoha, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the O.P. No.2	:	Mr. Sabal Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2025

Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the O.P. No.2
and learned APP for the State.

2. The petitioner has preferred the application under
Section 482 Cr.P.C. / 528 BNSS for quashing of the order dated
03.01.2015 passed in connection with Complaint Case
No.28710 (C) of 2014 by the learned Sub-Divisional Judicial
Magistrate, Patna whereby cognizance has been taken under
Sections 498A of the IPC and Section 3/4 of D.P. Act against
the petitioner.

3. The prosecution story, in short is that marriage of



the informant/O.P. No.2 was solemnized with petitioner on 15.06.2013 but soon after their marriage, her husband and in-laws started demanding money and for non-fulfillment of the demand, they subjected her to cruelty both mental and physical. Aggrieved by the said act, the informant has filed the complaint against them.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned District Court before taking cognizance of the offence failed to consider that the offence as alleged is not against the society. He further submitted that even considering the offence as alleged, material available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioner becomes unsustainable in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred but the same can be resolved, if the parties are given opportunity to ponder to reconcile their dispute outside the court.

5. *Per contra*, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the O.P. No.2 submitted that a chance be given to the parties for amicable settlement outside the court.



6. The petitioner's counsel on instruction submitted that the petitioner has agreed to appear before the learned District Court at 10:30 A.M. on 17.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties, as well as, the fact 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. However, a false case can have a disastrous consequence in absence of any criminal content. The personal dispute cannot call for a criminal offence. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

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.”(Emphasis supplied).

10. The dispute between the parties is purely civil in nature and the petitioner has willingly desired to appear before the learned District Court on 17.12.2025 at 10:30 AM, so that the matter can be referred to the District Mediation Centre.

11. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after summoning O.P. No.2 by fixing a date for appearance.

12. Learned Mediator of the District Mediation Center concerned upon appearance of the parties on the fixed date 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 petitioner in connection with the aforesaid case.

13. 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.

14. 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.

15. 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.

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

17. The present application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2025
Transmission Date	26.11.2025

