

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41508 of 2025

Arising Out of PS. Case No.-186 Year-2024 Thana- RAHIKA District- Madhubani

Bipin Kumar Akela, aged about 37 years, (male), S/O Ram Prakash Yadav,
Resident of Village -Baggha ,P.S -Kamtaul ,District- Darbhnga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi D/O Ram Swarth Yadav Resident of Village- Sapta, P.S- Rahika,
District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the O.P. No. 2 : Ms. Akanksha Verma, Advocate
For the State : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard learned counsel appearing on behalf of the

petitioner; learned counsel appearing on behalf of the opposite

party no. 2 and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rahika P.S. Case No. 186 of 2024 registered for the
offence punishable under Section 85, 318(4), 126(2), 115(2), 76,
109, 352, 351(2) and 3(5) of the BNS.

3. The allegation is of subjecting the informant-
opposite party no.2 to various sorts of torture due to non-
fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the
petitioner and learned counsel for the informant-opposite party



no. 2 jointly submitted that the strained matrimonial relationship between the parties can be reconciled by way of mediation. They further submitted that marriage is a sacred ceremony, but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. They further submitted that the matter be referred before the learned mediator of the concerned district court.

5. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, I find that 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.

8. 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 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. 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, 31 and 32 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.

32. In Naushey Ali vs. State of U.P., (2025) 4 SCC 78, one of us (Viswanathan, J.) observed in



paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.”

10. Recently also, the Apex Court has reiterated the principle laid down in case of ***Navneesh Aggarwal (Supra)*** in ***Mange Ram (Supra)***.

11. The petitioner, who is the husband and the O.P. No. 2 (wife) may proceed to settle their strained matrimonial relationship amicably, the learned District Court shall also strive till last to settle the dispute outside the Court.

12. The petitioner and O.P. No. 2 are directed to appear before the learned District Court on 27.11.2025 at 10:30 AM.

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 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.

15. In case the parties resolve their dispute amicably then in light of the law laid down by the Apex Court, the petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

16. In case of failure on the part of the petitioner to appear on 27.11.2025 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.

17. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioner is directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

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

(Purnendu Singh, J)

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