

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47210 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- MAHILA P.S. District- Rohtas

Vivek Priyadarshy S/o Baldeo Prasad Sinha R/o House No. 92, Road No. 02,
Maurya Vihar Colony, P.s - Phulwarisharif, Distt. - patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Kumari @ Divya Srivastava D/o Vinod Srivastava R/o Mohalla -
Subhash Nagar, Gali No. 06, P.S. - Dehri, Distt. - Rohtas

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 48082 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- MAHILA P.S. District- Rohtas

1. Baldeo Prasad Sinha@Baldeo Prasad Singh S/o Late Akhilesh Prasad Sinha
R/o House No. 92, Road No. 02, Maurya Vihar Colony, P.s. - Phulwarisharif,
Distt. - Patna
2. Poonam Sinha W/o Baldeo Prasad Sinha R/o House No. 92, Road No. 02,
Maurya Vihar Colony, P.s. - Phulwarisharif, Distt. - Patna
3. Ritesh Priyadarshy@Ritesh Priyadrashi S/o Baldeo Prasad Sinha R/o
House No. 92, Road No. 02, Maurya Vihar Colony, P.s. - Phulwarisharif,
Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Kumari @ Divya Srivastava D/o Vinod Srivastava R/o Mohalla -
Subhash Nagar, Gali No. 06, P.S. - Dehri, Dist. - Rohtas

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47210 of 2024)

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

For O.P. No.2 : Mr. Arbind Kr. Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 48082 of 2024)

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

For O.P. No.2 : Mr. Arbind Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel appearing on behalf of the



petitioners; learned APP for the State and learned counsel for O.P. No.2.

2. Considering the nature of allegation and fact that the Cr. Misc. No.47210 of 2024 and Cr Misc. No. 48082 of 2024 arise out of the same matrimonial dispute, the same are being heard together and are being disposed of by a common order.

3. The petitioners in Cr. Misc. No.47210 of 2024 and Cr Misc. No. 48082 of 2024 have preferred the applications under Sections 482 Cr.P.C. for quashing the order dated 08.05.2024 passed by the learned A.C.J.M.-cum- Sub Judge-VIII, Rohtas at Sasaram in connection with Dehri (Rohtas) Mahila P.S. Case no.40 of 2023, by which cognizance of the offences has been taken under Sections 341, 323, 498A, 313, 504, 506 and 34 of the Indian Penal Code and Sections 3/4 of the D.P. Act against the petitioners.

4. Prosecution story in brief is that the informant namely Divya Srivastava submitted a written application before the S.H.O., Mahila P.S. (Dehri) on 06.09.2023 stating therein that her marriage was solemnized on 09.02.2023 with Vivek Priyadarshy according to Hindu rituals. At the time of marriage, the father of the informant had given cash of Rs. 11 lakhs along



with gold jewelleryes of around Rs. 5 lakhs. In addition to this, clothes, utensils, furniture and other electronic equipment were also given as a gift. But on the next day of marriage, at the time of Bidaai, her husband made a demand of a new Maruti Swift Dzire Car and asked her father to fulfil the same within a month. However, the father of the informant could not fulfill his demand. Thereafter the husband and her in laws started assaulting and torturing the informant. In the meantime, she got pregnant but her husband again started demanding for a car and assaulted her resulting into her miscarriage on 07.06.2023. After this incident, several rounds of negotiations were held between the parties but the accused persons are still adamant on their demand of a new car and they said that they will not take the informant to her matrimonial home until their demand is fulfilled. Aggrieved by the said fact, the informant has lodged the present FIR.

5. Learned counsel appearing on behalf of the petitioners submitted that the petitioner / Vivek Priyadarshy is husband of O.P. No.2, while petitioners / Baldeo Prasad Sinha, Poonam Sinha and Ritesh Priyadarshy are father-in-law, mother-in-law and brother-in-law (devar) of the O.P. No.2 respectively.

6. Learned counsel informs that petitioner (Vivek



Priyadarshy), the husband of O.P. No.2 has filed a Matrimonial Case No.752 of 2023 under Section 12(1)(D) of the Hindu Marriage Act in which O.P. No.2 has appeared, whereas O.P. No.2 has filed the Rohtas Mahila P.S. Case No.40 of 2023 against the petitioner and his parents and also a Maintenance Case No.140 of 2023 before the learned Principal Judge, Rohtas.

7. Today, the husband and wife are present before this Court and they submitted that in order to buy peace of mind, they have settled their dispute outside the Court and have decided to live separately with a condition that petitioner / Vivek Priyadarshy will hand over a cheque of Rs.11 lakhs to the O.P. No.2 and they will withdraw their respective cases filed against each other.

8. The O.P. No.2 with heavy heart receives in open court a Demand Draft No.000059 dated 17.11.2025 of HDFC Bank for a sum of Rs.11 lakhs (Eleven Lakhs).

9. Learned counsel for the petitioners in such circumstances submitted that no case is made out against the petitioner/ Vivek Priyadarshi (Husband of OP No. 2.), therefore, the entire criminal proceeding in connection with Dehri (Rohtas) Mahila P.S. Case no.40 of 2023 is fit to be set aside



and quashed in light of the law laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**; **Gian Singh v. State of Punjab**, reported in **(2012) 10 SCC 303**; **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.**, reported in **(2013) 4 SCC 58** and **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in **(2014) 9 SCC 653** against the Vivek Priyadarshi / petitioner of Cr. Misc. No.47210 of 2024.

10. Heard the parties.

Re:-Cr. Misc. No.47210 of 2024:

11. The husband and wife have compromised the matter and today (O.P. No.2)/ the wife has received a cheque of Rs. 11 lakhs as full and final alimony and the parties (husband and the wife) have given undertaking before this Court that they will withdraw the cases which they have filed against each other and will take necessary steps before concerned court to drop the proceedings pending in light of the compromise which they have entered. It has been informed on behalf of the respective parties that they have agreed that they will file a joint compromise petition to dissolve their marriage under Section 13(b) of the Hindu Marriage Act before the learned Principal Judge, Family Court, Patna for which they require time to



appear before the learned District Court on 09.12.2025.

12. It is a settled principle of law that 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.

13. In this regard, I find it apt to refer the observation of 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.

14. The Apex Court in the case of **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.**, reported in **(2013) 4 SCC 58**, in Paragraph Nos. 14, 16 & 17 has held as under:

“14. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi [(2003) 4 SCC 675 : 2003 SCC (Cri) 848] , this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record,



that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.

17. In the light of the above discussion, we hold that the High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code. Under these circumstances, we set aside the impugned judgment of the High Court dated 4-7-2012 passed in Rajendra Singh Raghuvanshi v. Aarkshi Kendra Police Mahila Thana [Misc. Criminal Case No. 2877 of 2012, decided on 4-7-2012 (MP)] and quash the proceedings in Criminal Case No. 4166 of 2011 pending on the file of the Judicial Magistrate Class I, Indore.”

15. The Apex Court reiterated its view in the case of **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in (2014) 9 SCC 653 in Paragraph Nos. 4 & 5 which is as under:

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC



(Cri) 160 : (2012) 2 SCC (L&S) 988]). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] this Court has observed that: (SCC p. 340, para 58)

“58. 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.”

Needless to say that the above observations are applicable to this Court also.”

16. As informed on behalf of the parties and taking into consideration their interest, I don't find to keep the present



case pending before this Court, rather the parties may file a joint compromise petition, as agreed between them before the learned District Court, so that they can live their respective life as they desire.

17. Learned District Court shall consider the case in light of the law laid down by the Apex Court as referred hereinabove.

18. 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.

Re:-Cr. Misc. No.48082 of 2024:

19. So far as the petitioners of Cr. Misc. No.48082 of 2024, who are father in law, mother in law and brother in law of OP No.2 are concerned, the Apex Court recently in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in **2025 INSC 963** has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

20. 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.

21. 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.”

22. From perusal of the FIR, it is evident that there is no specific allegation against the father in law, mother in law and brother in law of OP No.2, rather the same is general and omnibus and, accordingly, the entire proceeding in connection with Dehri (Rohtas) Mahila P.S. Case No.40 of 2023 and also the cognizance order dated 08.05.2024 is quashed and set aside against them.

23. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

FR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2025
Transmission Date	22.11.2025

