

Arising Out of PS. Case No.-66 Year-2022 Thana- THAWE District- Gopalganj

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1. SACHIDANAND SINGH, son of Kalicharan Singh Village- Chitwaliya Ps- Ekma Dist- Chapra
2. SUMAN SINGH @ SUMAN KUMAR SINGH, son of Sachidanand Singh Village- Lakshmipur Ps-Jamo, Dist- Siwan
3. GUDIYA DEVI, wife of Suman Singh @ Suman Kumar Singh Village- Lakshmipur Ps-Jamo, Dist- Siwan
4. SUMIT KUMAR son of Sachidanand Singh Village- Lakshmipur Ps-Jamo, Dist- Siwan
5. SHOBHA DEVI @ SHOBHA RAI D/o- Sachidanand Singh Village- Chitwaliya Ps- Ekma Dist- Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHALU KUMARI, Wife of Sanjeev Singh, D/o- Sushil Singh Village- Bhasahi PS-Kuchaikote Dist- Gopalganj

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akshay Ashish, Advocate  
For the Opposite Party/s : Mr. Md. Matloob Rab, Advocate  
For the Informant : Mr. Ranjeet Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      13-10-2025                          Heard Mr. Akshay Ashish, learned counsel  
appearing on behalf of the petitioners; Mr. Md. Matloob Rab,  
learned counsel counsel appearing on behalf of the opposite  
party and Mr. Ranjeet Kumar Pandey, learned counsel for the  
Informant.

2. The present application has been filed for quashing of the cognizance order dated 08.05.2023, passed by learned SDJM, Gopalganj in connection with Trial No.2254 of 2023



Gopalganj arising out of Thawe P.S. Case No. 66 of 2022 dated 26.03.2022 for the offences punishable under Section 498(A) of Indian Penal Code and Sections 3 and 4 of the DP Act.

3. The allegation is of subjecting the complainant – 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 petitioners submitted that the learned SDJM, Gopalganj in the most mechanical manner, without applying his judicial mind that the matter is purely civil in nature and without considering the material available on record, has taken cognizance against the petitioners *vide* order dated 08.05.2023, which cannot sustain in the eye of law. Learned Counsel 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. He further submitted that matter be referred for mediation.

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 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.

8. 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.*

9. Both the parties are agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 27.11.2025 at 10:30 AM.

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

11. 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.

12. In case of failure on the part of the petitioners 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 petitioners shall automatically lose its force.

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



14. 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.

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

**(Purnendu Singh, J)**

Ashishsingh/-

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