

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44889 of 2025

Arising Out of PS. Case No.-32 Year-2019 Thana- MAHILA P.S. District- Purnia

Vishal Kumar (male), aged about 37 years, S/o Shri Binod Kumar Singh @ Binod Kumar, R/o Near Flour Mill, Gayatri Nagar, P.O.- Purnia, P.S.- Maranga, Purnia, Bihar- 854301

... .. Petitioner/s

Versus

1. The State of Bihar
2. Swati Kumari D/o Umesh Kumar Singh R/o Madhubani, P.S.- Madhubani, Distt.- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurabh Bishwambhar, Advocate
For the O.P. No. 2	:	Mrs. Bharti Kumari, Advocate
For the State	:	Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-11-2025

Heard learned counsel appearing on behalf of the petitioner; learned counsel for the opposite party no. 2 and learned APP for the State.

2. The petitioner has preferred the application under Section 528 BNSS for quashing of the order dated 01.10.2022 passed by learned S.D.J.M., Purnea in Purnea Mahila P.S. Case No. 32 of 2019, by which prayer for discharge of the petitioner has been rejected.

3. The prosecution story, in short is that marriage of the O.P. No.2 was solemnized with the petitioner in the year 2017. After some time, petitioner and his family members started demanding rupees ten lac and land as dowry and due to



non-fulfillment of the same, they had subjected the O.P. No. 2 to various sorts of torture. Aggrieved by the said act of the petitioner and his family members, the O.P. No. 2 has lodged FIR against the petitioner and other co-accused under Sections 498(A)/34 of the Indian Penal Code.

4. Today, 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 by way of one time settlement, for which they require time to appear before the learned District Court on 17.12.2025.

5. 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.

6. 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.*

7. 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.”



8. 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.”

9. 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 for one time settlement, as agreed between them before the learned District Court, so that they can live their respective life as they desire.

10. Learned District Court shall consider the case in light of the law laid down by the Apex Court as referred herein-above.

11. In case, they fail then in that circumstances, the learned District Court will proceed to refer the matter before the learned Mediator of the District Mediation Centre by fixing a date, so that they can arrive at a mutual settlement to resolve their dispute amicably by arriving to any agreeable terms and conditions, which is required to be filed well within a period of four months.

12. Learned Mediator of the District Mediation Center



concerned, upon appearance of the parties, 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 in connection with the aforesaid case.

13. In case, the parties resolve their dispute amicably and file joint compromise petition, then the proceeding will become unwarranted and the same 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. In the meantime, the parties may avail remedy for



dissolution of their marriage, if they find so, before the learned
Principal Judge having jurisdiction.

17. Accordingly, the order dated 01.10.2022 is
modified to the above extent.

18. The quashing application stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	28.11.2025
Transmission Date	28.11.2025

