

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51322 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA P.S. District- Bhojpur

1. Amresh Pandey Son of Mahesh Pandey Resident of Village - Anand Nagar, P.S. - Ara Nagar, District – Bhojpur.
2. Satyam Pandey @ Satyam Kumar Pandey Son of Amresh Pandey, Resident of Village - Anand Nagar, P.S. - Ara Nagar, District – Bhojpur.
3. Gudiya Devi Wife of Amresh Pandey Resident of Village - Anand Nagar, P.S. - Ara Nagar, District – Bhojpur.
4. Khusi Pandey Daughter of Amresh Pandey Resident of Village - Anand Nagar, P.S. - Ara Nagar, District – Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ragini Devi Wife of Satyam Pandey @ Satyam Kumar Pandey Resident of Village - Anand Nagar, P.S. - Ara Nagar, District – Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
Mr. Rajesh Roy, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 19-06-2025

Heard learned counsel appearing on behalf of the parties.

2. The present application has been preferred by the petitioners for quashing of First Information Report dated 22.06.2023, instituted under Sections 341, 323, 504, 506, 313, 376, 498(A)/34 I.P.C and 3/4 of D.P. Act, registered in Bhojpur Mahila P.S. Case No. 35/2023.

3. The case of the prosecution in brief is that informant/O.P. No. 2 was married to Satyam Pandey @ Satyam



Kumar (Petitioner no. 2) on 18.02.2022 according to Hindu rites and rituals. In marriage, her father had gifted 15 Lakh in cash and worth of Rs. 8 lacs Jewellery to her in-laws. After few days of marriage, she was physically and mentally tortured by her husband and in-laws. Her husband namely Satyam Pandey used to come every day drunk and fight with her and her in-laws also assisted him to beat her. When she told all facts to her brother Prince Kumar, they started abusing her. It is further alleged that her father in-law Amresh Pandey forcibly started having physical relations with her and he threatened to kill her if she told anything. Thereafter, she became pregnant and was taken to hospital on 25.01.2023, for abortion, and her pregnancy was terminated against her will. When she conveyed all these matters to her brother Prince Kumar, he became depressed and for this reason he committed suicide on 13.03.2023. When she came to her parental house after her brother's death, she was being exploited by her father-in-law and that's why she do not want to go to her in-laws house back and to save her social reputation, she could not talk to anyone regarding her problem. Her parents wanted to go to her in-laws house, but she did not want to go there and therefore without giving any information she left her parental house, thereafter, her father lodged FIR as Ara Nagar Police station. Thereafter, when she



came to know about the FIR she went to her sister but her brother produced her before the police, where her statement under Section 164 of Cr.P.C. was recorded by the police.

4. It is submitted by Mr. Ravindra Kumar, learned counsel appearing for petitioners that the informant was not willing to marry with petitioner no. 2 and, therefore when the marriage negotiation started, she left her house for which her father lodged FIR, registered as Magadh Medical P.S. Case No. 28 of 2023 dated 27.01.2022 for the offences punishable under Sections 363 and 365 of the Indian Penal Code, after couple of days, she returned to her home and while making her statement under Section 164 of Cr.P.C., she categorically stated before learned Jurisdictional Magistrate that she left her house as she was not willing to marry petitioner no. 2. It is submitted that later on upon persuasion of family members, the marriage of informant solemnized with petitioner no. 2 on 18.02.2022 but as the marriage was against the will of the informant, the relation between informant and petitioner no. 2 was never cordial and, therefore, when she visited her parental home to attend shradh ceremony of the brother, she again left her parental house, for which FIR was lodged by her father with Ara Town P.S. Case No. 258 of 2023 dated 31.03.2023. The informant left her parental home on 30.03.2023.



5. It is further submitted that from the face of FIR, it appears that after taking parental home, the informant went to her sister's home and when this fact came to knowledge of her brother, she was produced before the police, where her statement under Section 164 of Cr.P.C. was recorded.

6. It is submitted that the allegation raised through present FIR against petitioner no. 1, who is father-in-law is completely absurd and out of malicious approach as she was not willing to continue her marriage with petitioner no. 2 at any cost. It is submitted that though the allegation was supported through statement recorded under Section 164 of Cr.P.C. but same was retracted through compromise petition dated 14.09.2023. It is submitted that though offence is *prima facie* not compoundable in nature but in the background in which the allegation was raised by the informant and further as the matter appears compromise in the background of matrimonial dispute, the present FIR may be quashed and merely as allegation raised for non-compoundable offence, prayer of quashing cannot be refused to secure ends of justice. In support of his submission, learned counsel appearing for the petitioners relied upon the legal report of *Hon'ble Supreme Court in the matter of Naushey Ali & Others Vs. State of Uttar Pradesh & Anr.* reported in **2025 SCC OnLine SC 292**



7. Traveling further to his argument, it is pointed out by learned counsel appearing for petitioners that finally petitioner no. 2 dissolved his marriage with informant under their mutual consent as per provision available under Section 13B of the Hindu Marriage Act, 1955 and finally their marriage dissolved on 15.03.2024 as per judgement passed by the court of learned Principal Judge, Bhojpur at Ara. It is submitted that permanent alimony of Rs. 5 lacs, was also paid to the informant by petitioner no. 2. It is submitted that in petition for mutual divorce, it is categorically stated by the informant that she is living separately with petitioners since more than 13 months. FIR in issue was lodged on 22.06.2023, whereas the petition for mutual divorce was filed on 14.09.2023, time aspect also creates a serious doubt qua occurrence as alleged through present petition.

8. It is submitted that in view of aforesaid factual and legal submission, the present FIR is fit to be set aside/quashed to secure the ends of justice.

9. In view of aforesaid, reliance was also made on ***State of Haryana and Ors. Vs. Bhajan Lal and Ors.,*** reported in ***1992 Supp (1) Supreme Court Cases 335.***

10. Several attempts was made to serve notice upon the informant/opposite party no. 2 but she failed to join proceedings



and ultimately news-paper publication was made as substituted mode of service but even thereafter, the informant/opposite party no. 2 failed appear.

11. Upon paper publication, notice was deemed served validly upon opposite party no. 2 as issued by this Court.

12. It would be further apposite to reproduce para -34 of the ***Naushey Ali' case (supra)***, which reads as under:

34. *In Ramgopal v. State of M.P. [Ramgopal v. State of M.P., (2022) 14 SCC 531], Surya Kant, J. speaking for this Court, in a case involving a charge under Section 326IPC, while annulling the proceedings, felicitously set out the statement of law and applied it to the facts of the said case as under : (SCC pp. 542-43, paras 19-20)*

“19. We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1. Nature and effect of the offence on the conscience of the society;

19.2. Seriousness of the injury, if any;

19.3. Voluntary nature of compromise between the accused and the victim; and

19.4. Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the aforestated parameters



and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

20.1. Firstly, the occurrence(s) involved in these appeals can be categorised as purely personal or having overtones of criminal proceedings of private nature.

20.2. Secondly, the nature of injuries incurred, for which the appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest.

20.3. Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the appellants had been concluded or their appeal(s) against conviction stands dismissed.

20.4. Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s).

20.5. Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties.

20.6. Sixthly, since the appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill will and have no vengeance against each other.

20.7. Seventhly, the cause of administration of criminal justice system would remain un-effected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the appellants; more so looking at their present age.”



13. It would be apposite to reproduce para 102 of the

Bhajan Lal's case (supra), which reads as under:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of nay offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is



permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

14. In view of aforesaid factual and legal submission and by taking note of fact as the matter appears compromised between the parties and also as they dissolved their marriage under mutual consent, where the informant/opposite party no. 2 received permanent alimony of Rs. 5 lacs, as it appears from the proceedings of judgment/decreed of Principal Judge, Family Court, Bhojpur at Ara, continuing of present proceeding would only amount to abuse of process of court of law, therefore to secure ends of justice, it appears apposite to quash the present FIR



registered against petitioners.

15. Accordingly, First Information Report dated 22.06.2023, registered as Bhojpur Mahila P.S. Case No. 35/2023 is hereby set aside/quashed *qua* petitioners with all its consequential proceedings, if any.

16. Accordingly, present quashing petition stands allowed.

17. Let copy of this order be sent to the trial court, without delay.

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2025
Transmission Date	24.06.2025

