

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48615 of 2025

Arising Out of PS. Case No.-1436 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Alok Kumar Singh S/o Vijay Kumar Singh R/o Village Abbuy Mahamadpur, P.S. Bakhtiyarpur in the district of Patna.
 2. Vijay Kumar Singh S/o Late Kamala Singh
 3. Sunaina Devi W/o Vijay Kumar Singh
All are R/o Chaitya Niwas Road no. 1, Nawab Colony (New Colony),
Chhotaki Delha, P.S. - Delha, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simpal Devi W/o Alok Kumar Singh, D/o Sidheshwar Singh R/o Chaitya Niwas Road no. 1, Nawab Colony (New Colony), Chhotaki Delha, Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2025 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. The present application has been filed for quashing
of order dated 06.03.2025 passed in Complaint Case No.1436 of
2022 by the Judicial Magistrate Ist class, Gaya, whereby the
cognizance has been taken under Sections 494 and 498(A) of
the IPC.

3. As per the allegation made in the complaint
petition, the complainant (O.P.No.2) was assaulted by her in-



laws due to non-fulfilment of demand of the dowry. It is alleged that her husband (petitioner no.1) has solemnized marriage with another lady. Alipur P.S.Case No.33 of 2008 filed by the mother of the complainant is pending in the court of the learned ADJ IV, Gaya.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned J.M. Ist Class, Gaya, in the most mechanical manner, without applying his judicial mind and without considering the material available on record, has taken cognizance against the petitioner *vide* order dated 06.03.2025, which cannot sustain in the eye of law. Learned counsel in this regard has relied upon the judgment of the Apex Court passed in case of ***Paramjeet Batra v. State of Uttarakhand***, reported in ***(2013) 11 SCC 673***, wherein in paragraph no. 12, the court has held as under:-

12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.



5. In the case of ***Usha Chakraborty Vs. State of West Bengal, reported in (2023) 15 SCC 135***, while quashing the FIR therein and further proceedings based thereon, the Apex Court observed as under: -

‘...the factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is essentially of civil nature.’

6. The Apex Court has reiterated the aforesaid preposition in recent judgment of ***S.N. Vijayalakshmi & Ors. Vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575***.

7. Both the parties agreed to settle the dispute outside the Court and have willingly desired to appear before the learned District Court on 17.10.2025 at 10:30 AM.

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

9. 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.

10. In case of failure on the part of the petitioners to appear on 17.10.2025 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.

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

12. 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.

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

(Purnendu Singh, J)

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