

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51401 of 2025

Arising Out of PS. Case No.-2410 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Satyam Prakash Singh son of Late Shambhu Prasad Singh Village- Chakbasu,
ps- Mithanpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Singh Daughter of Arun Kumar singh Village- Rasulpur Patti, Ps-
Bhagawanpur, Dist- Vaishali
3. Anil Kumar @ Pappu son of Umashankar Prasad Gupta Village- Malighat,
Near Sarswati Mandir, ps- Mithanpur, Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 02-12-2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner has preferred the application under
Section 528 of BNSS for quashing the order taking cognizance
dated 01.06.2018 and its consequential order dated 29.10.2024
passed by the learned Sub-Divisional Judicial Magistrate,
Hajipur, Vaishali in Complaint Case No. 2410/2017 by which
the learned Magistrate has taken cognizance of offence against
the petitioner under Sections 498A/34 and 494 of the Indian
Penal Code and Section 4 of the DP Act.

3. Prosecution story, in brief, is that the complainant



was married to Satyam Prakash Singh (the petitioner) on 30.05.2013 after his divorce from his first wife namely Nidhi on 21.06.2012. It is further alleged that the complainant's husband put pressure upon her demanding dowry and on refusal by the complainant, her husband, her mother-in-law and other family members assaulted and tortured her due to non-fulfillment of dowry demand. Thereafter, on the basis of the written complaint given by the complainant, the instant case bearing Complaint Case No. 2410/2017 was registered.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation levelled against the petitioner is false and concocted. He further submitted that petitioner is the husband of the opposite party no.2. Learned counsel further submitted that the allegation levelled against the petitioner is not specific rather general and omnibus and petitioner is ready to tender apology and also ready for settlement to buy peace of mind. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred, in such circumstances, the Court must allow the parties to ponder so that they can reconcile their dispute outside the court. He further submitted that matter be referred for mediation.



5. Learned counsel for the opposite party no. 2 and learned APP are also of the same view and jointly submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 09.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties. The parties have mutually agreed to appear on 09.12.2025 before the learned District Court. 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. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

9. 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.*

10. In the present case, both the parties have agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 09.12.2025 at 10:30 AM on the fixed date.

11. Learned District Court upon appearance of the parties is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center on the fixed date.



12. Learned Mediator of the District Mediation Center concerned after fixing the date for 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 or arrive at a mutual agreement, then the proceeding 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 09.12.2025 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. Accordingly, the order taking cognizance is



modified to above the above extent.

17. The present quashing application stands disposed
of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2025
Transmission Date	08.12.2025

