

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55929 of 2024

Arising Out of PS. Case No.-9059 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Dilip Kumar Shah @ Dilip Shah S/O Sri Ratan Kumar Shah @ Ratan Kumar Saha presently posted as a Senior Official in Sriram Housing Finance Limited, Plot no. -63, 2nd Floor, 19 Main Road, Rajajee Nagar, 2nd Block, Bangalore 560035 (Karnatka) Petitioner/s

Versus

1. The State Of Bihar
2. Dipti Laheri W/O Sri Dilip Kumar Shah @ Dilip Shah R/O Flat No. 204, Sv Lake Nature Apartment, Khata No.-733/3/3b, Kasavanhalli Road, Kaikondrahali, Sarjapura, P.S- Bellandur, P.S- Bangalore-560035, At Present R/O Flat No.- B/33, Nehru Bihar Apartment, Gandhi Path, Road No.-2, Nehru Nagar, Patliputra, P.S- Patliputra, Dist.- Patna (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP
O.P. No.2	:	Mr. Rajan Prakash, Advocate
		Mr. Anvradha Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-11-2025

Heard learned counsel appearing on behalf of the petitioner; learned counsels appearing on behalf of the O.P. No.2 and learned APP for the State.

2. The petitioner has preferred application under Section 482 of the Cr.P.C. for quashing the order taking cognizance dated 09.11.2023 passed by the learned Judicial Magistrate- Ist Class, Patna in Complaint Case No. 9059(C) of 2022 by which learned Judicial Magistrate- Ist Class, Patna has taken cognizance of offence against the petitioner under Sections 498(A)/34 of the Indian Penal Code.

3. The prosecution story in brief is that the O.P. No.2 married to one Dilip Kumar Shah (petitioner) on 07-12-2020 in



Bangalore according to Hindu rites. The parents of the O.P. No.2 had given Rs.10 lakh in cash and goods worth Rs.1 lakh at the time of marriage. After one year of marriage, husband of the O.P. No.2 allegedly started demanding a Swift Dezire car as dowry, and when the demand was not met, she was subjected to mental and physical harassment by her husband and her in-laws.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned District Court before taking cognizance of the offence failed to consider that the offence as alleged is not against the society. He further submitted that even considering the offence as alleged, material available on record don't disclose any criminal element and without considering this aspect, the order taking cognizance against the petitioner becomes unsustainable in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred but the same can be resolved, if the parties are given opportunity to ponder to reconcile their dispute outside the court.

5. *Per contra*, learned APP appearing on behalf of the State and learned counsels appearing on behalf of the O.P. No.2 submitted that a chance be given to the parties for amicable settlement outside the court.



6. The petitioner's counsel on instruction submitted that the petitioner along with his mother have agreed to appear before the learned District Court at 10:30 A.M. on 17.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and it 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, the petitioner has agreed to settle the dispute outside the Court and he is willingly desired to appear along with his mother before the learned District Court on 17.12.2025 at 10:30 AM.

11. Learned District Court is directed to call upon the parties and then take necessary steps to refer the matter on fixed date before the learned Mediator of the District Mediation Center, after appearance of the O.P. No.2.

12. Learned Mediator of the District Mediation Center concerned 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, 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 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. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2025
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