

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54037 of 2024

Arising Out of PS. Case No.-2450 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Satendra Kumar S/o Late Baidyanath Singh, R/o Mohalla - R.M.S. Colony,
Ashok Nagar, P.S. - Kankarbagh, Distt. - Patna. Petitioner/s

Versus

1. The State of Bihar.
2. Ruchi Kumari W/o Satendra Kumar and D/o Chandrika Singh R/o Mohalla -
Shivnagar, P.S. - Mokama, Distt. - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 02-05-2025

Heard learned counsel appearing on behalf of the

parties.

2. The present application has been preferred by the

petitioner for quashing of order dated 08.09.2022 as passed

by the learned S.D.J.M., Patna in Complaint Case No.

2450(C)/2022, whereby and whereunder the learned Court

took cognizance against the petitioner under Sections 498(A),

494 of the I.P.C. and Section 4 of the Dowry Prohibition Act.

3. The case of the prosecution in brief is that

informant/O.P. No. 2 was married to Satyendra Kumar on

6.7.2014 as per Hindu rites, in Indradanneshwar Mahadev

Trust, Ashok Dham, Lakhisarai, where the parents of both

sides were present. After marriage she went to Kolkata with



her husband where her husband was working with Punjab National Bank. After marriage her husband started torturing her and demanding Rs.25,000,00/- from her parents for purchasing a Flat. It is alleged that on compulsion, her mother gave Rs. 1 Lakh in Bank Account and Rs.14,000,00/-in cash. When she came to know about the second marriage of her husband then her husband started torturing and ousted her from his house and, thereafter, lodged present Complaint Case No. 2450(C)/2022, before the learned C.J.M., Patna on 28.2.2022.

4. It is submitted by learned counsel appearing on behalf of the petitioner that marriage between the parties now stands dissolved under their mutual consent as provisioned under Section 13B(1) of the Hindu Marriage Act, 1955 and they also settled their maintenance by one time alimony and therefore, continuing criminal proceeding would only amount to abusing process of court of law.

5. Upon perusal of record, it appears that joint compromise between the parties made available to this Court, where parties appears amicably settled their issues against



one time alimony of Rs. 10 lacs, which already paid to opposite party no. 2 in presence of learned counsel for the parties through bank demand draft no. 812860 dated 25.04.2025 drawn on Punjab National Bank, Old Court House Street, Kolkata, West Bengal-700001, in favour of opposite party no. 2, namely Ruchi Kumari, which is payable at SBI, Mokama, which has been duly received by opposite party no. 2 before this Court. During course of argument, learned counsel referred to agreement of one time settlement which executed at Patna High Court Campus on 23rd day of April 2025, which is as under:-

“i) That complainant Ruchi Kumari First Party, and Satyendra Kumar Second Party have mutually agreed to dissolve their marriage as husband and wife by filing joint petition in Matrimonial (Divorce) case no. 162/2019 pending in the court of learned Principal Judge, Family Court, Patna, filed by Satendra Kumar husband Second party.

ii) That the Second Party Satendra Kumar is paying one time parmanent alimony of Rs. Rs. 10,00,000/- (Rs. Ten lakhs) to First Party Smt. Ruchi Kumari through Bank Demad Draft no. 812860 dt. 25/04/25, drawan of Bank branch, S.B.I., Mokama, in name of Ruchi Kumari, First Party.

iii) That after the D.D. would be handed over to Ruchi Kumari in High court in court room itself at the time of accepting statement made in compromise. Ruchi Kumari First Party



shall not claim any maintainance from Satendra Kumar Second Party in future after payment of one time alimony and hence Ruchi Kumari would take all steps for withdrawal of Maintainance case no. 57/2022 pending in the learned court of Principal Judge, family court Patna, filed by Ruchi Kumari against Satendra Kumar.

iv) That Second party Satender Kumar would withdraw the Pirbahore PS case no. 275/2025 dt. 06/04/2025 u/s 126(2), 115(2), 303(2), 3(5) of BNS 2023 filed by him against Ruchi Kumari & ors.

v) That the complainant Ruchi Kumari would have no any further grievances with Satyendra Kumar with regards to any further maintainance after permanent alimony.

vi) That after the present both the parties would have no any further greivances with each other in future.

vii) That both the parties are also restrained to take any further litigation with each other either by themselves or by their known person in future otherwise same would be dealt strictly as per law for voilance of present agreement.

viii) That both the parties are also restricted not to do any criminal act by themselves or through their known persons against each other and if it is done in future then either of parties would be free to take legal recourse available to them in accordance with law.

ix) That if the either party refuse to compy the terms and conditions of this agreement the cases would continue as it before.

x) That either parties who ever deviates from term and conditions of the agreement would be dealt strictly as per law.”

6. Factum of compromise also approved by

learned counsel appearing for opposite party no. 2 as



discussed above. It is submitted that he has no any objection if criminal proceeding *qua* petitioner before learned trial court be quashed in view of compromise.

7. In view of aforesaid, it is submitted by learned counsel that continuing with present criminal proceeding *qua* petitioner before learned trial court would only amount to abusing the process of courts and, therefore, same be quashed. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Abhishek vs. State of Madhya Pradesh*** reported in ***2023 SCC Online SC 1083***.

8. It would be apposite to reproduce para **13, 14, 15, 16 & 17** of the ***Abhishek's case (supra)***, which reads as under:

"13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar alias Sonam v. State of Bihar* [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false



implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

14. In *Preeti Gupta v. State of Jharkhand* [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

15. Earlier, in *Neelu Chopra v. Bharti* [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in *Mahmood Ali v. State of U.P. (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023)* on the legal principles applicable apropos Section 482 Cr. P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 Cr. P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read



between the lines.

17. In State of Haryana and Ors. Vs. Bhajan Lal and Ors [(1992) Supp (1) SCC 335], this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C. could be exercised. Para 102 of the decision reads as follows:

‘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 information 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 any 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 person 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 Act concerned (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 Act concerned, 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.”

9. In view of aforesaid legal and factual submission and also by taking note of the fact as parties settled their issues and differences, where petitioner paid maintenance by way of permanent alimony to O.P. No.2 and also marriage between the parties stands dissolved by way of mutual divorce, accordingly, continuing with the present proceeding before the learned trial court would only amount to abuse of the process of the court.

10. Accordingly, the impugned cognizance order dated 08.09.2022 as passed by the learned S.D.J.M., Patna in Complaint Case No. 2450(C)/2022 *qua* petitioner is hereby quashed and set-aside.

11. Accordingly, present quashing petition stands allowed.

12. Both parties are directed to abide by their terms and conditions mentioned in the joint compromise petition dated 23.04.2025, as discussed above.



13. Let a copy of this judgment be sent to the
learned trial court/concerned court forthwith.

(Chandra Shekhar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.05.2025
Transmission Date	07.05.2025

