

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57741 of 2024**

Arising Out of PS. Case No.-10039 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. Sri Mohan Prasad Son of Late Ram Lakhan Prasad R/o Ashok Nagar, Road no.-8, Ram Lakhan Path, P.S.- Kankar Bagh, Post Office- Lohia Nagar, Patna 800020, Dist.- Patna.
  2. Smt. Usha Devi Wife of Sri Mohan Prasad R/o Ashok Nagar, Road no.-8, Ram Lakhan Path, P.s.- Kankar Bagh, Post Office- Lohia nagar, Patna 800020, Dist.- Patna.
  3. Sri Vidya Bhushan Ray @ Prasad @ Vidya Bhushan Prasad Son of Late Nand Kishore Ray R/O Vill.- Lodipur, Chirand, Dist.- Saran, Pin Code-841211
  4. Smt. Rekha Devi Wife of Vidya Bhushan Roy @ Prasad @ Vidya Bhushan Prasad R/O Vill.- Lodipur, Chirand, Dist.- Saran, Pin Code-841211
  5. Sri Harsh Son of Sri Vidya Bhushan Roy @ Prasad @ Vidya Bhushan Prasad R/O Vill.- Lodipur, Chirand, Dist.- Saran, Pin Code-841211
  6. Sri Piyush Son of Sri Vidya Bhushan Roy @ Vidya Bhushan Prasad R/O Vill.- Lodipur, Chirand, Dist.- Saran, Pin Code-841211

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Babli Kumari Wife of Vishal Kumar, Daughter of Sri Dilip Kumar R/O Ashok Nagar, Road no.-8, Ram lakhan Path, P.s.- Kankar Bagh, Post Office- Lohia Nagar, Patna 800020, Dist.- Patna.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr.Rajnandan Prasad Singh, Advocate. |
| For the Opposite Party/s | : | Mr.Anil Prasad Singh, APP.           |
| For O.P. No.2            | : | Mr. Kamal Kishore Sinha, Advocate.   |
|                          |   | Mr. Digvijay Kumar Ojha, advocate.   |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      09-10-2025                      Heard learned counsel appearing on behalf of the  
  
petitioners, learned APP for the State and learned counsel for the  
  
opposite party no.2.

2. The present application has been filed under



Section 482 Cr.P.C. for quashing of the order taking cognizance dated 20.01.2023 passed in Complaint Case No. 10039(C) of 2022 by the learned Judicial Magistrate 1<sup>st</sup> Class, Patna, whereby learned Magistrate has taken cognizance against the petitioners under Sections 354B and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation is of subjecting the complainant – opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1 is the father-in-law, petitioner no.2 is the mother-in-law, petitioner no.3 is the maternal father-in-law, petitioner no.4 is the maternal mother-in-law and petitioner nos. 5 and 6 are maternal brother-in-law of the opposite party no.2 and they are quite innocent. They have committed no offence and they have no concern with the affairs of the opposite party no.2 and her husband.

5. Both the counsels have admitted that there is a partition suit between the father and the son for house and other properties located in Patna and Punpun and for the aforesaid dispute, present complaint has been lodged. The parties want to get rid of the criminal prosecution by settling the dispute



amicably, even before the result of the partition suit.

6. However, at this stage, learned counsel for the opposite party no.2 submitted that from very perusal of the conduct of the petitioner no.2 who has subjected the complainant to various sorts of torture don't deserve any sympathy of the Court.

7. I have perused the complaint, as well as, considering the information that a partition suit between the parties is going on and a title suit has also been filed for cancellation of the registered sale deeds by which certain properties were transferred without knowledge of the opposite party no.2 who has vested interest in the ancestral property, I primarily find that the matter is civil in nature and continuation of the proceeding against petitioner nos. 1, 3, 4, 5 and 6 would amount to abuse of process of law.

8. 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.”*

9. Considering the facts and circumstances of the case and the law laid down by the Apex Court, the order taking cognizance dated 20.01.2023 passed in Complaint Case No. 10039(C) of 2022 against the petitioner nos. 1, 3, 4, 5 and 6 is hereby set aside and quashed.

10. It has been urged on behalf of the opposite party no.2 that the petitioner no.2 wants to enter into compromise with her daughter-in-law (opposite party no.2) and her only son for that the matter be referred for mediation.

11. Both the parties have agreed to appear before the learned District Court on 19.11.2025 at 10:30 AM.

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

13. 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 two months, till then, no coercive action shall be taken against the petitioner no.2 in connection with the aforesaid case.

14. In case of failure on the part of the petitioner no.2 to appear on 19.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner no.2 shall automatically lose its force.

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

16. 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.

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

**(Purnendu Singh, J)**

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