

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56702 of 2025

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA P.S. District- Madhubani

Sahidur Rahman S/o Atiqur Rahman Resident of village- Malmal South, P.S.-
Kaluahi, Distt.-Madhysani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saba Pravin wife of Sahidur Rahman Resident of village- Malmal South, P.S.- Kaluahi, District-Madhubani, At present Karnalwali Gali, Near Hanuman Chowk, Wazirabad, Delhi-82, At present Maikhe- Daughter of Basir Ahman, village-Malmal South, P.S.- Kaluahi, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Namrata Mishra, Sr. Advocate Mr.Ratnakar Jha, Advocate
For the Opposite Party/s	:	Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 14-10-2025

Heard Ms. Namrata Mishra, learned Senior Advocate along with Mr. Ratnakar Jha, learned counsels appearing on behalf of the petitioner and the learned APP for the State.

2. The present application has been filed under Section 528 of BNSS for quashing of order dated 17.05.2025 passed in Mahila PS Case No.21 of 2021 (GR No.268/2021) CRI Case No.268 of 2021 by the learned SDJM, Madhubani, whereby the cognizance has been taken under Sections 323, 341, 498(A), 494/34 of the IPC and Sections 3/4 of DP At.

3. Learned counsel appearing on behalf of the petitioner submitted that prior to lodging of the present FIR, OP



No.2 had lodged Complaint Case No.53 of 2021. Learned counsel further submitted that for the same offence, the petitioner can not be subjected to face two prosecutions. Otherwise also, learned counsel submitted that the petitioner is ready for settlement and for that she seeks some time so that the effort can be taken to settle the strained relationship between the parties, who are husband and wife. Learned Counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

4. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

5. Heard the parties.

6. Having considered the rival submissions made on behalf of the parties, I find that the parties have strained the matrimonial relationship, in such circumstances, the Court till last minute must strive to give opportunity to the parties to settle the dispute between the husband and wife amicably. 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. Continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioners.

7. 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.

8. Petitioner is directed to appear before the learned District Court on 27.11.2025 at 10:30 AM.



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

10. 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 no. 1 in connection with the aforesaid case.

11. 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.

12. In case of failure on the part of the petitioner to appear on 27.11.2025 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.

13. 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 O P No. 2 to reconcile then in that case, continuing with the criminal proceeding will amount to abuse of the



process of the court and the interim protection granted to the petitioner shall continue and the proceeding against her is required to be dropped in accordance with law.

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

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2025
Transmission Date	NA

