

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65781 of 2024

Arising Out of PS. Case No.-133 Year-2019 Thana- SHRIKRISHNAPURI District- Patna

1. Manish Singh, Son of Late Narendra Kumar Singh, Resident Of- C2/31, East Of Kailash, P.S -Amar Colony, Dist.- New Delhi.
2. Kanti Devi Wife of Late Narendra Kumar Singh, Resident of- C2/31, East Of Kailash, P.S - Amar Colony, Dist.- New Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Secretary, Secretariat, Patna- 800001 Bihar.
2. Neha Singh Wife of Manish Singh Resident Of- C2/31, East Of Kailash, P.S. Amar Colony, Dist.- New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanchit Singh, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 08-05-2025

Heard learned counsel appearing on behalf of the parties.

2. The present application has been preferred by the petitioners for quashing of Criminal Case No. 2992 of 2019 passed by A.C.J.M.-4, Patna Sadar Court arising out FIR No. 133 of 2019 dated 15.04.2019 at P.S. Shri Krishna Puri, Patna for the offences punishable under Sections 498 A, 420 and 34 of the I.P.C.

3. The case of the prosecution in brief is that informant/O.P. No. 2 was married to Manish Singh on 16.02.2017. Petitioners told the informant that they are not able to spend money in marriage due to demonetization, so



the informant, namely Raj Ballabh Singh gave loan of Rs. 65000/- to his son-in-law on 04.01.2017. Between 06.01.2017 to 27.02.2017, informant gave a total of Rs. 9.50,000/- to the father of petitioner no. 1 i.e. late Mr. Narendra Kumar Singh and petitioner no. 2 Kanti Devi through cheques. Informant gave them money because petitioners said that loan amount would be returned to him after demonetization. Thereafter, two letters dated 04.01.2019 and 08.02.2019 sent to the petitioners to return the money, but loan amount was not returned to the informant.

4. It appears that present matrimonial discord started in background of aforesaid loan dispute between the parents of petitioner no. 1 and opposite party no. 2.

5. It appears from submission of learned counsel appearing for the parties that matter appears compromised between the parties, where parties settled their disputes and differences amicably and, therefore, continuing with present criminal proceedings before the learned Trial Court would only



amount to abuse the process of court.

6. Upon perusal of record, it appears that joint compromise between the parties made available to this Court, where parties appears amicably settled their issues. During course of argument, learned counsel referred to Memorandum of Understanding executed between parties at Delhi, on 29th day of July 2024, which is as under:-

"MEMORANDUM OF UNDERSTANDING

This deed of Compromise is made at Delhi on this 29th day of July, 2024, between: Manish Singh, S/o late Sh Narendra Kumar Singh. R/o C 2/31, East of Kailash, New Delhi 110065 (HEREINAFTER CALLED THE FIRST PARTY).

AND

Neha Singh W/o. Manish Singh Dio, late Sh. Raj Ballabh Singh Rio C 2/31. East of Kailash, New Delhi 110065 (HEREINAFTER CALLED THE SECOND PARTY).

WHEREAS the marriage was solemnised between the parties named above according to Hindu Rites and Ceremonies on 16.02.2017 at Patna in the presence of the parents, relatives of both the parties and after the marriage the parties lived together as husband and wife at the matrimonial home.

That due to difference of temperaments and incompatibility of relations, the parties could not adjust with each other and several tigungen arose between the parties including Criminal Case No. 2992/2019 pending



before the ACJM 4, Patna Sadar Court arising out of FIR No. 133 of 2019 dated 15.04.2019 at PS Shri Krishna Puri, Patna under sections 498A, 420 and 34 of the Indian Penal Code.

AND WHEREAS due to the intervention of the family friends and relatives, an amicable settlement took place between the parties and the parties are residing together since January 2022 with each other at their Delhi's home along with their daughter Dishita Singh aged around 6 years. The First Party had withdrawn several litigations including criminal complaints filed by him before the courts of Delhi including the Divorce Case pending before the Family Court, SE- Saket and the only case pending between the parties is now the Criminal Case No. 2992/2019 pending before the ACJM 4, Patna Sadar Court arising out of FIR No. 133 of 2019 dated 15.04.2019 at PS Shri Krishna Puri, Patna under sections 498A, 420 and 34 of the Indian Penal Code.

AND WHEREAS since the parties have reconciled all their differences and disputes, in the interest of peace, lives and child. the parties now wish to execute the present deed of compromise on the terms and conditions as follows:-

1. That the marriage between the parties was solemnised on 16.02.2017 at Patna and the Petitioners and Respondent No. 2 started residing at their Delhi's home after marriage. They have a girl child named Dishita Singh aged around 6 years residing with them at Delhi.

2. That due to continuous rifts between the Petitioners and the Respondent No. 2, the said rifts eventually culminated into the said FIR No. 133/2019 PS SK Puri and eventually the Criminal Case No. 2992/2019 pending before the ACJM 4, Patna Sadar Court ("Patna Case"). The Informant in the



Patna Case was father of the Second Party who left for heavenly abode on 01.01.2021.

3. That the First Party had also filed divorce petition between the Family Court at SE-Saket, Delhi along with other criminal complaints which have been already withdrawn in the year 2022 itself by the First party and no case of First Party against the Second Party is pending before any court of law.

4. That both the parties have dissolve their disputes and differences between them and have been residing together peacefully along with their daughter since January 2022 and therefore, the Second party wishes to withdraw all or any pending litigation between the parties specifically the Patna Case.

5. That out of love and affection towards the First Party, the Second Party wishes to withdraw the Patna Case.

6. That therefore, the parties wish to and shall file Application/Petition before the Patna High Court or any other appropriate court, as the case may be, to have the proceedings quashed in the Criminal Case No. 2992/2019 pending before the ACJM 4, Patna Sadar Court arising out of FIR No. 133 of 2019 dated 15.04.2019 at PS Shri Krishna Puri, Patna under sections 498A, 420 and 34 of the Indian Penal Code.

7. That this Settlement/compromise has been arrived at between the parties of their own accord, free will and without any force, coercion or undue influence from any quarter.

8. That parties undertake to remain bound by the terms and conditions contained in this memorandum of understanding.

9. That the parties will appear before the Patna High Court or other appropriate Court, as per the Court directions and will act and



proceed as per the directions of the Court.

IN WITNESSES WHEREOF, the First Party and the Second Party have put their respective hands and signed the Memorandum of Understanding at Delhi, on the date, month and the year first above written in the presence of the witnesses hereinafter appearing”

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* petitioners 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* petitioners 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 also 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 amicably, 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 Criminal Case No. 2992 of 2019 passed by A.C.J.M.-4, Patna Sadar Court arising out of FIR No. 133 of 2019 dated 15.04.2019 at P.S. Shri Krishna Puri, Patna *qua* petitioners are 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 Memorandum of Understanding dated 29th day of July, 2023, 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	08.05.2025
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