

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64151 of 2023

Arising Out of PS. Case No.-29 Year-2019 Thana- RAJPUR District- Buxar

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1. SIKANDAR YADAV @ SIKANDAR SINGH S/O LATE NAGINA YADAV R/O VILLAGE- KATHTAR (LALMAN KE DERA) P.S- RAJPUR, DISTT.- BUXAR.
 2. LALJHARI DEVI W/O SIKANDAR YADAV @ SIKANDAR SINGH R/O VILLAGE- KATHTAR (LALMAN KE DERA) P.S- RAJPUR, DISTT.- BUXAR.
 3. DIPU KUMARI D/O SIKANDAR YADAV @ SIKANDAR SINGH R/O VILLAGE- KATHTAR (LALMAN KE DERA) P.S- RAJPUR, DISTT.- BUXAR.
 4. PUTUL KUMARI D/O SIKANDAR YADAV @ SIKANDAR SINGH R/O VILLAGE- KATHTAR (LALMAN KE DERA) P.S- RAJPUR, DISTT.- BUXAR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. DATTARAM YADAV S/O LATE MAHESHWAR YADAV R/O- VILLAGE- PRANPUR SHIVPUR DIYAR, P.S- KOTWALI, DISTT.- BALIYA (U.P)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary, APP
For O.P. No.2.	:	Mr. Rakesh Kumar, Advocate
		Mr. Abhimanyu Vatsa, Advocate
		Mr. Sameer Sawan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-10-2025 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioner; Mr. Ram Sevak Choudhary and Mr. Rakesh Kumar along with Mr. Abhimanyu Vatsa and Mr. Sameer Sawan, learned counsel for the O.P. No.2.



2. The present application has been filed under Section 482 Cr.P.C. for quashing the order dated 31.01.2023 passed by the learned A.C.J.M.-III, Buxar in connection with Rajpur P.S. Case No.29/2019, whereby cognizance has been taken under Sections 341, 323, 307, 498(A), 504/34 of the Indian Penal Code against the petitioners.

3. The allegation is of subjecting the daughter of the informant – 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 petitioners are close relatives of main accused, namely, Brajesh Yadav, who is husband of the daughter of the informant. They have married in the year 2004. Petitioners no. 1 and 2 are father-in-law and mother-in-law and petitioners no.3 and 4 are sister-in-laws of the daughter of the informant. It is submitted that FIR has been lodged not by the wife of said co-accused/ Brajesh Yadav, rather the same has been filed by her father. In absence of any allegation of demand of dowry and torture having been made by his wife, the allegation under Sections 498 and 504/34 of Indian Penal Code primarily don't sustain. So far as allegation of offences to have been committed against the daughter of the informant, who is



O.P. No.2 under Sections 341, 323, 307 of Indian Penal Code are concerned, from the very perusal of the FIR, it is evident that the same is ornamental in nature and, as such, no case is made out against the petitioners. Still the petitioners are facing criminal prosecution, which amounts to vexatious and continuing with the same will lead to abuse of process of law.

5. *Per contra*, learned counsel appearing on behalf of the opposite party no. 2 submitted that daughter of the informant was subjected to torture of various degree for non-fulfillment of demand of dowry and she was also kicked out of her matrimonial house by petitioners no.1 and 2 along with petitioners no.3 and 4, who are own sisters of the husband of the daughter of the Opposite party no.2. He further submitted that cruelty against women is well known and specifically for the first time when Section 498 (A) of IPC was inserted. No interference can be made with the order taking cognizance, as from the very perusal of the FIR, cognizable offence is made out against the petitioners.

6. Learned A.P.P. appearing on behalf of the State submitted that no interference can be made by this Court, considering the allegations made in the FIR. The complicity of the petitioners in subjecting the daughter of opposite party no. 2



of various sorts of torture cannot be denied.

7. At this stage, both the parties agree that they want to settle the dispute amicably.

8. Heard the parties.

9. Having considered the rival submissions made on behalf of the parties, as well as, suggestion given by learned counsel appearing on behalf of the petitioners and the informant, I find that so far as petitioners no.3 and 4 are concerned, they are own sisters of the husband of the daughter of O.P. No.2 and are facing criminal prosecution. It is commonly seen in the society that the entire family members, as well as, relatives are made accused along with the husband to face criminal prosecution.

10. Recently, the Hon'ble Supreme Court, in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)*** has found it to be vexatious in nature and has pleased to quash the entire proceeding. I find it gainful to reproduce the paragraphs no. 25, 31 and 32, which, *inter alia* are as follows:

“25. This Court, in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735***, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between



the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

*31. We also refer to **Gian Singh vs. State of Punjab, (2012) 10 SCC 303** wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.*

*32. In **Naushey Ali vs. State of U.P., (2025) 4 SCC 78**, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved."*

11. Considering the facts and circumstances of the case and the law laid down by the Apex Court in case of **Mange Ram (supra)**, the entire proceeding including the order taking cognizance dated 31.01.2023 passed by ACJM-III, Buxar is



hereby **set aside and quashed to the extent it relates to petitioners no. 3 to 4.**

12. So far as the petitioners no. 1 and 2 are concerned, this Court also finds it proper that they should go for settlement and for that this Court grants them four months time.

13. At this stage, Mr. Pathak informs that bail bond of co-accused Brajesh Yadav, who is husband of Sheela Devi/daughter of the informant has been cancelled, as he has defaulted in appearing before the learned District Court on the date fixed.

14. Rebutting the same, Mr. Abhimanyu Vatsa, learned counsel appearing on behalf of the informant submitted that so far as petitioners no.1 and 2 are concerned, they can be given protection by this Court, so that they can persuade their son to arrive at a mutual settlement on agreed terms and conditions. It can also be advised by them to their son to resolve their dispute amicably and start to live together with his wife and also persuade their son to withdraw the divorce case.

15. This Court finds that any settlement must always be regarded without giving any opinion or passing any order on the said ground which has been taken by the petitioners. I find it proper that once the matter is referred before the learned



Mediator, he will seek all possible way out, so that the parties may settle their dispute amicably.

16. Petitioners no. 1 and 2 and opposite party no. 2 have agreed to appear before the learned District Court on 27.11.2025 at 10:30 AM.

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

18. 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 petitioners no. 1 and 2 in connection with the aforesaid case.

19. 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.

20. In case of failure on the part of the petitioners no. 1 and 2 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 petitioners no. 1 and 2 shall



automatically lose its force.

21. In case, it is deliberate on the part of the opposite party no.2 to reconcile, then in that case, continuing with the criminal proceeding will amount to abuse of process of court and the interim protection granted to petitioners no. 1 and 2 shall continue and the proceeding against them is required to be dropped in accordance with law.

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

(Purnendu Singh, J)

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