

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62066 of 2024

Arising Out of PS. Case No.-65 Year-2019 Thana- HILSA District- Nalanda

Vinita Kumari, wife of Mr. Kundan Kumar, D/o- Ram Awadh Prasad, Moh-Patel Nagar Hilsa, Near Bus Stand, P.O. Hilsa, P.S.Hilsa, Dist. Nalanda, At present Residing at LIG Block-5, F. No-328, Bahadurpur Housing Colony Ps-Agamkuan Patna, P/A- Nanauri P.S.- Dhanarua Dist- Patna, Bihar, Pin Code – 804451.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundan Kumar, Son of Late Ramashish Singh, Mohalla- Patel Nagar Hilsa Bus Stand, Po- Hilsa Ps- Hilsa Dist- Nalanda – 801302.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Mishra, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 10-11-2025

Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

2. The petitioner has preferred the application under Section 482 Cr.P.C. for quashing the order dated 01.05.2024 passed in G.R. No. 224 of 2019, Hilsa P.S. Case No. 65 of 2019 instituted for the offences punishable under Sections 498A and 504/34 of the Indian Penal Code, whereby the learned SDJM, Hilsa, Nalanda has granted bail to the opposite party no.2.



3. Learned counsel appearing on behalf of the petitioner submitted that Cr. Misc. No. 42817 of 2019, filed by the O.P. No.2 who is the husband of the petitioner, was disposed of by a co-ordinate Bench of this Court vide order dated 13.09.2019 directing the parties to appear before the learned District Court and if O.P. No.2 (husband of the petitioner) files a petition that he is ready to keep her wife (petitioner) with him with full honour and dignity and if he is willing to take his wife with him from the court itself, then in that case, O.P. No.2 was directed to be released on provisional anticipatory bail for a period of six months and the learned District Court, in the meantime, was directed to watch the conduct of the parties and if the learned District Court finds that their conduct is satisfactory, then in that case, the provisional bail granted to O.P. No.2 shall be confirmed. However, O.P. No.2 never appeared before the learned District Court, as directed by this Court vide order dated 13.09.2019 and without considering the aforesaid facts, the learned District Court has granted bail to the O.P. No.2 vide order dated 01.05.2024. He further submitted that the petitioner who is the wife of the opposite party no.2 is aggrieved by the attitude of her husband namely Kundan Kumar (O.P. No.2) who after granting bail is not participating with the



courts proceeding. He further submitted that the petitioner seeks setting aside the order dated 01.05.2024 on the ground that the conditions imposed by this Court vide order dated 13.05.2019 was never complied with by the O.P. No.2 and the said fact was suppressed by the O.P. No.2 at the time of obtaining bail from the learned District Court.

4. Considering the aforesaid facts and circumstances, I find that in matrimonial dispute, the Court is required to proceed to find out any possibility of settlement between the husband and the wife. It is well settled by the Apex Court that 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. In such situation, continuation of the proceeding would amount to abuse of process of law leading to vexatious proceeding against the petitioner.

5. 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.*

6. In the present case, the petitioner has agreed to settle the dispute outside the Court and she has willingly desired to appear before the learned District Court on 27.11.2025 at 10:30 AM.

7. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after issuing notice to the opposite



party no.2.

8. 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 O.P. No.2 in connection with the aforesaid case.

9. 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.

10. In case of failure on the part of the O.P. No.2 to appear before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the O.P. No.2 shall automatically lose its force.

11. In case, it is deliberate on the part of the O.P. No.2 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 petitioner to reconcile, then in that case, the interim protection granted to the O.P. No.2 shall continue and the trial shall proceed in accordance with law.

12. Accordingly, the present quashing application



stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2025
Transmission Date	18.11.2025

