

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66863 of 2024**

Arising Out of PS. Case No.-1939 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Amit Kumar S/o Arun Kumar Resident of Village- Lodipur, Post and P.S-
Khizersarai, District- Gaya
 2. Arun Kumar S/o Krishna Gopal Prasad R/o vill - Lodipur, Post and P.S-
Khizersarai, Distt. - Gaya. Petitioner/s

Versus

1. The State of Bihar
 2. Ritu Kumari @ Reetu Kumari W/o Ajit Kumar, D/o Vinay Kumar R/o vill -
Mastalipur, Post - Baragandhar, P.S. - Muffasil Gaya, Bihar
... ... Opposite Party/s
-

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar, Advocate
For the Opposite Party	:	Mr.Deepak Kumar, Advocate
For the State	:	Mr.Anand Kishore Choudhary, APP

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

Date : 20-11-2025

Heard Mr. Dhananjay Kumar, learned counsel
appearing on behalf of the petitioners; Mr. Deepak Kumar,
learned counsel for the Opposite Party and Mr. Anand Kishore
Choudhary, learned APP for the State.

2. The present application has been preferred under
Section 482 of Cr.P.C for quashing of order dated 04.07.2024
passed by the learned Judicial Magistrate First Class, Gaya in
Complaint Case (P) No.1939 of 2023, whereby the cognizance
has been taken under Section 504 of IPC.

3. The prosecution story in short is that the
complainant got married with the petitioner on 21.05.2023 but
she was subjected to mental and physical torture by her husband
and other family members. She has alleged in her complaint
petition that she was abused by her husband and other relatives



giving remarks on her complexion and she was assaulted. She further alleged that the petitioner has vision problem, which was not disclosed before her marriage. She also alleged that petitioners verbally abused her father.

4. Learned counsel appearing on behalf of the petitioners informs that the terms and conditions of the compromise has been drawn between the husband and wife on 11.07.2025 and both the parties have sworn their individual affidavit along with the compromise deal and now they have arrived to separate from each other and they will file a formal petition before the learned Principal Judge, Family Court, Gaya for divorce on the basis of the mutual consent.

5. Learned counsel further informs that petitioner no.1 is brother-in-law and petitioner no.2 is father-in-law of the complainant and keening proceeding pending against them will be vexatious and it is fit to be set aside and quashed.

6. Learned counsel appearing on behalf of O.P. No.2 submitted that in view of specific allegation against the present petitioners, the prosecution against them is made out.

7. Heard the parties.

8. Recently the Apex Court in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in 2025



INSC 963, has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. In this regard, it has been well settled by the Apex Court in several judgments and recently in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25 and 31 dealing with the cases related to dowry has held that opportunity be given to the parties first to reconcile. Paragraphs no. 23 and 31 are *inter alia* reproduced hereinafter:-

“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.”

10. Having considered the rival submissions made on behalf of the parties, as well as, taking into consideration the fact that the parties (husband and wife) have already compromised outside the Court, the Court finds that in such circumstances, keeping the prosecution pending against the petitioners no.1 and 2, who are brother-in-law and father-in-law respectively will serve no purpose. Order taking cognizance dated 04.07.2023 and the entire proceeding arising out of Complaint Case (P) No.1939 of 2023 are hereby set aside and quashed.

11. With the above observation/direction, the present quashing application stands disposed of.

12. Interlocutory Application, if any, shall also stand disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2025
Transmission Date	24.11.2025

