

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62031 of 2025

Arising Out of PS. Case No.-1089 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Dhanwati Kunwar @ Dhanawati Devi W/O Late Dudhnath Pandey Resident
of Village-Amra, P.O-Kandawa, P.S- Rohaniya, District- Varnasi (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hemlata Pandey W/O Kamlesh Pandey, D/O Late Shri Ram Upadhyay R/O
Village- Amra, P.S- Rohaniya, Distt.- Varnasi (U.P.), Current Address- R/O
Village- Bhaganda, P.O- Badhauna, P.S- Chainpur, Distt.- Kaimur Bhabhua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Giridhar Gopal Tiwary, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 27-11-2025

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. / 528 BNSS for quashing of the order dated
02.01.2018 passed by the learned Additional Chief Judicial
Magistrate, 1st Class, Bhabhua at Kaimur whereby the petitioner
was summoned to appear for the offence under Section 498 A of
the Indian Penal Code in connection with Complaint Case
No.1089/2016.



3. The prosecution story, in short is that marriage of the complainant was solemnized with the son of the petitioner in the year 2007 but soon after their marriage, her husband and in-laws started demanding a motorcycle and a television and for non-fulfillment of the demand, they subjected her to cruelty both both mental and physical. When the father and brother of the informant came to her matrimonial home to persuade her husband and in-laws, they misbehaved with them and also assaulted the informant in front of her father, as a result of which, he got tensed and died of heart attack. The accused persons also evicted the informant from her matrimonial home. In the meantime, efforts were made between the parties to reconcile their strained matrimonial relationship but all went in vain, forcing the informant to file the present complaint petition in the year 2016.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned District Court before issuing notice the petitioner to appear failed to consider that the offence as alleged is not against the society. He further submitted that the material available on record don't disclose any criminal element and without considering this aspect, the order impugned against the petitioner becomes unsustainable in



the eye of law . He further submitted that petitioner is mother-in-law of the opposite party no. 2. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred but the same can be resolved, if the parties are given opportunity to ponder to reconcile their dispute outside the court.

5. Learned APP appearing on behalf of the State submitted that a chance be given to the parties for amicable settlement outside the court.

6. The petitioner's counsel on instruction submitted that the petitioner along with her son has agreed to appear before the learned District Court at 10:30 A.M. on 17.12.2025.

7. Heard the parties.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

9. 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. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court.



10. It has been held 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, as has been held in the case of **B.S. Joshi v. State of Haryana**, reported in, **(2003) 4 SCC 675**, in paragraph nos. 12 and 13 by the Hon'ble Supreme Court, which is 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.*

11. The Apex Court in the case of **Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition**



(Criminal) No.10817 of 2024), in paragraph nos. 25, 31 and 32 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, 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.”

12. Recently also, The Apex Court in case of ***Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.*** reported in ***(2025) 4 SCC 78***, whereby, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, the Apex Court finally concluded that offences arising out of matrimonial dispute particularly relating to dowry etc. or a family dispute where wrong is committed to the victim by the offenders and his family, can be settled amicably.

13. The petitioner, who is mother-in-law of the opposite party no. 2, desires that she wants to settle the dispute amicably. This Court finds it proper in the interest of the parties, as there is no objection to arrive at a mutual terms and conditions of settlement, that certain time is required.

14. The Mother-in-law wants to cooperate to settle



the strained matrimonial relationship between her son and the O.P No. 2 amicably, the learned District Court shall also strive till last to settle the dispute outside the Court.

15. The petitioner has agreed to appear along with her son before the learned District Court on 17.12.2025 at 10:30 A.M.

16. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center after summoning O.P. No.2 by fixing a date for appearance.

17. 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 in connection with the aforesaid case.

18. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, then the proceeding is required to be dropped in light of the law laid down by the Apex Court as referred hereinabove.

19. In case of failure on the part of the petitioner to



appear on 17.12.2025 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.

20. In case, it is deliberate on the part of the petitioners and she 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 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 petitioner shall continue and the proceeding against her is required to be dropped in accordance with law.

21. Accordingly, the order taking cognizance is modified to the above extent.

22. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2025
Transmission Date	01.12.2025

