

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61527 of 2025

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

1. Mithilesh Pandey @ Mithilesh
2. Akhilesh Pandey
3. Bihari Pandey @ Bihari Lal Pandey
all three are S/O Late Dudhnath Pandey, Resident of Village- Amra, P.O-
Kandawa, P.S- Rohaniya, District-Varnasi (U.P).
4. Ramsheela Devi @ Ramsheela W/O Shivkant Pandey Resident of Village-
Kamauli, P.O- Amra, P.S. Kandawa, District-Varnasi (U.P).
At present Address - 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
Resident of Village- Amra, , P.S- Rohaniya, District-Varnasi (U.P). Current
Address- R/O Village- Bhaganda, P.O- Badhauna, P.S- Chainpur, Dist.-
Kaimur Bhabhua.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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 petitioners have 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
petitioners were 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 one Kamlesh Pandey 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 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 petitioners no.1, 2 and 3 are brother-in-law of O.P. No.2, while petitioner no.4 is married sister-in-law of O.P. No.2. Learned counsel further submitted that the learned District Court before issuing notice the petitioners to appear



failed to consider that the offence as alleged is not against the society. He further submitted that even considering the offence as alleged, material available on record don't disclose any criminal element and without considering this aspect, the order impugned becomes unsustainable in the eye of law. 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. Heard the parties.

7. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court recently 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.

8. 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.

9. Recently also, 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.”

10. From perusal of the FIR, it is evident that there is no specific allegation against the petitioners, rather the same is general and omnibus. **I find that in absence of any material evidence against the petitioners, who are close family members of the husband of the O.P. No.2, if they are allowed to face prosecution, the same will amount to abuse of process of court.**

11. I find that no case under Sections 498 A of the Indian Penal Code is made out against the petitioners. Accordingly, the entire proceedings and impugned order dated 02.01.2018 passed by the learned Additional Chief Judicial Magistrate, 1st Class, Bhabhua at Kaimur in connection with



Complaint Case No.1089/2016 is hereby **quashed and set aside** with respect to the petitioners.

12. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2025
Transmission Date	03.12.2025

