

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71650 of 2023

Arising Out of PS. Case No.-1882 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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Md Imtyaz S/O Ahmad Raja Resident Of Village Ratwara Shekh Toli, P.S. -
Ayrari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahanaz Khatoon W/o Md. Imtyaz, D/o Md. Hamid R/o Village - Nautan
(Mathiya), P.S. - Madhaura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahboob Ashraf, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP
For the O.P. No.2	:	Mr. Rakesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-11-2025

Heard learned counsel appearing on behalf of the
petitioner; learned APP for the State and learned counsel
appearing on behalf of the O.P. No.2.

2. The petitioner has preferred the application for
setting aside the order dated 03.07.2023 passed by learned
Sessions Judge, Saran, Chapra in Criminal Revision No.117 of
2023 in which revision application assailing the order dated
15.03.2023 has been dismissed and also for quashing of the
order dated 15.03.2023 passed by the learned Sub-Divisional
Judicial Magistrate, Saran at Chapra in Trial No.2059 of 2023
arising out of Complaint Case No.1882 of 2018, by which order



for issuance of processes against the petitioner has been passed finding the case, *prima facie*, true under Sections 147, 148, 323, 379, 447, 498(a) of the Indian Penal Code.

3. The prosecution story in brief is that the complainant was married to the petitioner, and her parents gave gifts as per their means at the time of marriage. The complainant allegedly led her conjugal life peacefully for about two years, after which the petitioner and two other accused persons demanded Rs. 3 lakhs from the complainant for setting up a business. On refusal, it is alleged that they began assaulting the complainant. The complainant informed her parents, who visited her matrimonial home and assured the petitioner that they would try to fulfill the demand when possible. However, after about three months, the accused persons allegedly ousted the complainant, who then returned to her parental home and narrated the incidents. When the complainant and her parents, along with witnesses, again visited the petitioner's house to resolve the matter, it is alleged that the petitioner and the other accused verbally abused and threatened them, stating that the complainant would not be allowed to stay unless the demand of Rs. 3 lakhs was met. On this basis, the complainant filed the complaint.



4. Learned counsel appearing on behalf of the petitioner submitted that the learned District Court, without considering the material available on record and applying its judicial mind has taken cognizance against the petitioner in most mechanical manner, which cannot sustain in the eye of law. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred, in such circumstances, the Court must allow the parties to ponder so that they can reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Per contra, Learned counsel for the opposite party no. 2 and learned APP are also of the same view and have jointly submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 17.12.2025.

7. Heard the parties.

8. Having considered the rival submissions made on behalf of the parties and also the fact that the parties(Husband and Wife) have agreed to reconcile their dispute amicably, they have agreed to appear on 17.12.2025 before the learned District



Court. 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.

9. 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.

10. In the present case, both the parties have agreed to settle the dispute outside the Court and they have willingly desired to appear before the learned District Court on 17.12.2025 at 10:30 AM.

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

12. 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.

13. 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.



14. 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.

15. In case, it is deliberate on the part of the petitioner 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 opposite party no.2 to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

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

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2025
Transmission Date	17.11.2025

