

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69983 of 2024

Arising Out of PS. Case No.-2047 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Gyan Vardhan, S/o Anil Kumar, R/o Village- Parshuram Nagar Colony, Sandalpur, Kumahrar, P.S.- Alamganj, Distt. - Patna
 2. Anil Kumar, S/o Late Rajo Singh, R/o village - Parshuram Nagar Colony, Sandalpur, Kumahrar, P.S. - Alamganj, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Monika Shailesh, W/o Gyan Vardhan, presently residing at Sudhi Tola, Mahendru, P.S. - Pirbahore, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Advocate Mrs. Rasika, Advocate Ms. Janmejay Giridhar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the O.P. No.2	:	Mr. Shaishav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT
Date : 28-04-2025

Heard Mr. Rana Vikram Singh, learned counsel for the petitioners, Mr. Jagdhar Prasad Singh, learned APP for the State and Mr. Shaishav Kumar, learned counsel appearing on behalf of O.P. No.2.

2. The present petition has been preferred under Section 482 of Code of Criminal Procedure (in short 'Cr.P.C.') for quashing of the order dated 16.08.2022 as passed by the learned Judicial Magistrate-1st Class, Patna in connection with Complaint Case No.2047(C) of 2021, whereby the learned



Jurisdictional Magistrate has taken cognizance of the offences punishable under Sections 498-A, 325, 506 of the Indian Penal Code (in short 'I.P.C.') as well as Sections 3 and 4 of the Dowry Prohibition Act (in short 'D.P. Act') and issued summons against the petitioners to face trial.

3. As per the case of the complainant/O.P. No.2 filed before the court of learned Chief Judicial Magistrate, Patna on 08.06.2021, it appears that she got married on 16.02.2020 according to Hindu Rites and Customs with petitioner no.1. After sometime, the complainant was subjected to physical and mental cruelty in her matrimonial home due to non-fulfilment of demand of dowry as raised further by petitioners for cash of Rs.5 lakhs and also a piece of land situated at Bihta, Patna. Finally, the complainant/O.P. No.2 was ousted from her matrimonial home on 18.02.2021. It was also alleged that on 04.04.2021, petitioner No.1 pushed the complainant/O.P. No.2 from the third floor, which was an attempt for her murder, where she survived, but received fracture in both her legs.

4. On the basis of aforesaid complaint, after



considering the statement of complainant on oath and other enquiry witnesses, the learned Judicial Magistrate-1st Class, Patna took cognizance for the offences punishable under Sections 498-A, 325, 506 of the I.P.C. as well as Sections 3 and 4 of the Dowry Prohibition Act.

5. Mr. Rana Vikram Singh, learned counsel appearing for the petitioners without taking any shelter of merit available for petitioners straightway submitted that the matter between the parties stands compromised for which a joint compromise petition was filed before this Court on joint affidavit dated 22.04.2025. Learned counsel submitted that petitioner no.2 is father-in-law facing general and omnibus allegation *qua* alleged cruelty as said to be committed upon O.P. No.2. It is further submitted that offence under Section 325 IPC is compoundable in nature with the person on whom hurt is caused. It is pointed out by Mr. Singh that in view of compromise, continuing with criminal proceedings between the parties before the courts below would only amount to abuse of the process of Court and, therefore, same be quashed/set aside to secure the end of justice. In support of



his submission, Mr. Singh has relied upon the legal reports of Hon'ble Supreme Court as available through **Abhishek vs. State of Madhya Pradesh** reported in **2023 SCC Online SC 1083**.

6. Mr. Shaishav Kumar, learned counsel appearing for O.P. No.2 also affirmed the factum of compromise between the parties as submitted above by learned counsel appearing for the petitioners. It is submitted that he has no objection that in view of compromise all pending cases between the parties also be quashed while exercising powers under Section 482 of the Cr.P.C. to secure the ends of justice. Same has also not been objected by learned counsel appearing for petitioners in view of compromise.

7. It would be apposite to reproduce the joint compromise dated 22.04.2025 as filed before this Court on affidavit, the same is reproduced hereinbelow for the sake of convenience:-

***"Both the parties have amicably and mutually agreed upon to settle all claims, counter claims and disputes for present and future forever under following conditions:-
A. Mr. Gyan Vardhan (Petitioner no.1 herein) has agreed to pay permanent***



alimony as one time settlement of Rs. 36,00,000/- in favour of Smt. Monika Shailesh (O.P. No.2);

B. First installment of Rs. 18,00,000/- to be paid by Petitioner No.1 at the time of passing of first motion which is going to be filed within 30 days of order dated 69983 18.04.2025 passed in Cr. Misc. No. 2047 of 2021

C. The balance amount of Rs. 18,00,000/- to be paid by Petitioner no.1 to O.P. No.2 at the time of second motion/final judgment.

D. The aforesaid payment shall be made in favour of O.P. No.2 by way of bank draft.

E. Both the parties also agree that they will file for closure/withdraw/dispose/settle all and any criminal as well as civil case pending between them before payment of final amount of one-time settlement.

F. Smt. Monika Shailesh (O.P. No. 2) is free to receive pen-drive deposited/submitted by Gyan Vardhan (petitioner no.1) in Matrimonial (divorce) Case No. 471/2021. Against her as evidence from the court of Ld. Principal Judge, Family Court, Patna at the time of second motion/final judgment.

G. Both the parties have agreed that after this full and final settlement, they will not file any case of any nature against each other and also undertake to respect and honour their privacy".

8. It appears out of aforesaid compromise petition that the following cases are lodged by O.P. No.2 against the petitioners i.e. (i) Complaint before Mahila Police Station



Gardanibagh, Patna bearing **Diary No.2014 Mahila P.S. Case** dated 14.09.2021 (ii) **Maintenance Case No.199 of 2021** pending before the court of learned Additional Principal Judge, Family Court, Patna, (iii) **Complaint Case No.1025(C) of 2024** pending before the court of J.M., First Class, Patna City, whereas the following cases are lodged by petitioners against O.P. No.2 i.e. (i) **Complaint Case No.754 (c) of 2024** pending before the court of learned A.C.J.M.-1st, Patna City, (ii) **Matrimonial (Divorce) Case No.471 of 2021** pending before the court of learned Additional Principal Judge, Family Court, Patna.

9. It would be apposite to reproduce para-13, 14, 15, 16 & 17 of the legal report of Hon'ble Supreme Court as passed in the case of **Abhishek Case (supra)**, which are as under:-

"13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar alias Sonam v. State of Bihar* [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash a FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the



in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

14. In *Preeti Gupta v. State of Jharkhand* [(2010) 7 SCC 667], this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

15. Earlier, in *Neelu Chopra v. Bharti* [(2009) 10 SCC 184], this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a complaint, is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC.

16. Of more recent origin is the decision of this Court in *Mahmood Ali v. State of U.P. (Criminal Appeal No. 2341 of 2023, decided on 08.08.2023)* on the legal principles applicable apropos Section 482 Cr. P.C. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section



482 Cr. P.C. or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

17. In *State of Haryana and Ors. Vs. Bhajan Lal and Ors* [(1992) Supp (1) SCC 335], this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482 Cr. P.C. could be exercised. Para 102 of the decision reads as follows:

‘102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying



the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

10. Considering the aforesaid, as parties have amicably settled their disputes in terms of aforesaid compromise, where the permanent alimony/one-time



settlement has been decided between the parties for total amount of Rs. 36,00,000/- (Rupees Thirty-six Lakhs), out of which, Rs. 18,00,000/- (Rupees Eighteen Lakhs) to be paid at the time of first motion of mutual divorce and balance amount of Rs. 18,00,000/- (Rupees Eighteen Lakhs) be paid at the time of second motion/judgment to O.P. No.2 by petitioner No.1 before the court of learned Principal Judge, Family Court, Patna by way of draft drawn in favour of O.P. No.2. Parties have also decided to withdraw criminal cases pending between them and further to dissolve their marriage by way of mutual divorce.

11. In view of the aforesaid, it appears that continuing criminal proceedings between the parties would be only abusing the process of court of the law and, therefore, the present cognizance order dated 16.08.2022 as passed by learned Judicial Magistrate-1st Class, Patna in **Complaint Case No.2047(C)/2021** and also proceedings of **Maintenance Case No.199 of 2021** pending before the court of learned Additional Principal Judge, Family Court, Patna, **Complaint Case No.1025(C) of 2024** pending



before the court of J.M., First Class, Patna City, Complaint before Mahila Police Station Gardanibagh, Patna bearing **Diary No.2014 Mahila P.S. Case** dated 14.09.2021 as lodged by O.P. No.2 against petitioners and **Complaint Case No.754(c) of 2024** as lodged by petitioner against O.P. No.2 pending before the court of learned A.C.J.M.-1st, Patna City stand quashed/set aside by exercising powers under Section 482 of the Cr.P.C. to secure the ends of justice.

12. The parties are directed to appear before the learned Principal Judge, Family Court, Patna within 30 days of this order for its first motion. Petitioner no.1 is directed to pay Rs. 18 lakhs by way of bank draft drawn in favour of O.P. No.2 on the very same day as first installment. Parties are directed to adhere with terms and conditions of the compromise as discussed in Para-7 of the judgment.

13. The learned Principal Judge, Family Court, Patna is directed to proceed expeditiously without giving any unnecessary adjournment in view of amicable settlement.

14. The application stands allowed. Pending application, if any, also stands disposed of in view of this



judgment.

15. Let a copy of this order be sent to the all concerned courts, where above discussed cases are pending and also to the court of learned Principal Judge, Family Court, Patna, for its compliance.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	22.04.2025
Uploading Date	28.04.2025
Transmission Date	28.04.2025

