

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2696 of 2023

Arising Out of PS. Case No.-45 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

1. Sudhir Kumar Son of Late Harishchand Lal
2. Vicky Anand @ Vicky Kumar son of Late Harishchand Lal
3. Arvind Anand @ Arvind Kumar Son of Late Harishchand Lal
4. Rekha Karn Wife of Sudhir Kumar
5. Shila Devi Wife of Late Harishchandra Lal,
All resident of Village- Majhaura, P.S- Sursand, Dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tanuja Kumari Wife of Govind Lal Karn R/V- Majhaura, P.S- Sursand, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-11-2025

No one appears on behalf of the parties.

2. The petitioners have preferred the application under Section 482 of Cr.P.C. for quashing of order taking cognizance dated 03.03.2022 passed by the learned SDJM, Sadar, Sitamarhi Mahila PS Case No.45 of 2028 (GR Case No.4510 of 2018) whereby the cognizance has been taken under Sections 498(A) and 506/34 of the Indian Penal Case.

3. The prosecution story in brief is that the informant got married with Govind Lal Karn on 04.07.2016 and she was



blessed with a daughter. At the time of her marriage, her father had spent a sum of Rs.5 lac and gold, silver etc. but they again started demanding Rs.3 lac and due to non-fulfilment of their demand, she was subjected to cruelty. She alleged that her husband has a love affair with other girls and he does not take care of her daughter. She further alleged that she had went to her *Sasural* on 26.01.2018 but all the accused persons have left their house.

4. In paragraph no.7 of the application, information has been given that petitioner no. 1 is *Bhaisur*, petitioners no.2 and 3 are *Dewar*, petitioner no.4 is *Jethani* and petitioner no.5 is mother-in-law of Opposite party no.2.

5. 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.

6. 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.

7. From perusal of the FIR, it is evident that



petitioners no. 1 is *Bhaisur*, petitioners no.2 & 3 are *Dewar* and petitioner no. 4 is *Jethani* and the allegation against them is general and omnibus. No specific allegation has been alleged against them.

8. 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. 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 *inter alia* 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.

9. Recently also, 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.

10. The same principle has been reiterated by 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 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.”

11. A reference can also be taken to the law laid down by the Apex Court in the case of ***Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.*** reported in (2025) 4 SCC 78, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, 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/her family, can be settled amicably.

12. I find that no case under Section 498A and other



allied Sections of IPC and Sections 3/4 of D.P. Act is made out against petitioners no.1 to 4. Accordingly, the entire proceedings and order taking cognizance dated 03.03.2022 passed in Sitamarhi Mahila P.S.Case No.45/2018 (GR Case No.4510 of 2018)) is hereby **set aside and quashed to the extent it relates to petitioners no. 1 to 4.**

13. So far as petitioner no.5, who is the mother-in-law of O.P.No.2 is concerned, if the relationship is still strained between the parties, then in that case, she may proceed to settle with O.P. No. 2 along with her son, namely, Govind Lal Karn with OP No.2. She along with her son will appear before the learned District Court on 12.12.2025 at 10:30 AM.

14. Learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Center.

15. 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 no.5 in connection with the aforesaid



case.

16. 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.

17. In case of failure on the part of the petitioner no.5 along with his son (Govind Lal Karn) to appear on 12.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner no.5 shall automatically lose its force.

18. In case, it is deliberate on the part of the petitioner no.5 (mother-in-law) 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, the interim protection granted to the petitioner no.5 shall continue and the trial shall proceed in accordance with law.

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

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2025
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