

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77558 of 2019

Arising Out of PS. Case No.-453 Year-2018 Thana- COMPLAINT CASE District- Supaul

1. MUKESH KUMAR ROY Son of Dashrath Roy Resident of Village, P.O. and P.S.- Alam Nagar, District- Madhepura.
2. Rakesh Kumar Roy Son of Dashrath Roy Resident of Village, P.O. and P.S.- Alam Nagar, District- Madhepura.
3. Dashrath Roy Son of Late Sitaram Roy Resident of Village, P.O. and P.S.- Alam Nagar, District- Madhepura.
4. Laxmi Devi Daughter of Dashrath Yadav Resident of Village, P.O. and P.S.- Alam Nagar, District- Madhepura.
5. Chandra Bhushan Chaudhary @ Chandra Mohan Chaudhary S/O- Late Shankar Chaudhary Resident of Village- Deohali, Block- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi Wife of Mukesh Kumar, Daughter of Late Umesh Chandra Thakur Resident of Village- Hatbariya, P.S.- Pipra, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 03-11-2025

Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

2. The present application has been filed under Section 482 Cr.P.C. for quashing of the order dated 27.03.2019 passed in Complaint Case No.453C/2018 by the learned Additional Chief Judicial Magistrate, Supaul whereby



cognizance has been taken under Sections 498A and 494 of IPC.

3. The allegation is of subjecting the opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the petitioners submitted that the learned District Court has not considered that the allegation 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 taking cognizance against the petitioners cannot sustain in the eye of law. He further submitted that O.P. No.2 was married with petitioner no.1 and they were blessed with a child and the petitioner had undertaken to live along with the opposite party no.2 with full dignity and honour. At the time of marriage, the petitioner no.1 was minor and allegedly he was kidnapped by family members of opposite party no.2. There are altogether five petitioners but with respect to petitioner no.1, the present application was directed to be withdrawn *vide* order dated 05.05.2025. So far petitioners no.2 to 5 are concerned, they are close relatives of petitioner no.1, however, there is no information in the pleading with regard to their relationship with petitioners no.1 or with the complainant. Learned counsel



further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. He further submitted that matter be referred for mediation.

5. Learned APP submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. Heard the parties.

7. 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.

8. 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* and *Naushey Ali & Ors. Vs. State of Uttar Pradesh & Anr.* reported in *(2025) 4 SCC 78*, has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

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. The allegation against Petitioners no.2 to 5 appears to be general and omnibus. Accordingly, the entire proceedings and order taking cognizance dated 27.03.2019 passed by the learned A.C.J.M., Supaul is hereby set aside and quashed with respect to the petitioners no.2 to 5.

11. So far as petitioner no.1 is concerned, the learned District Court is directed to consider the case of the petitioner no.1 by summoning opposite party no.2 and see that petitioner no.1, who is husband of the opposite party no.2 must not be harassed unnecessarily, considering the law laid down by the Apex Court as discussed hereinabove.

12. Petitioner no. 1 is directed to appear before the learned District Court on 08.12.2025 at 10:30 A.M.

13. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator



of the District Mediation Center.

14. 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.1 in connection with the aforesaid case.

15. 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.

16. In case of failure on the part of the petitioner no.1 to appear on 08.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner no.1 shall automatically lose its force.

17. In case, it is deliberate on the part of the petitioners no.1 and if 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 petitioner no.1 shall continue and the trial shall proceed in accordance with law.



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

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.11.2025
Transmission Date	05.11.2025

