

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82246 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Dineshwar Singh Son of Late Parishan Singh Resident of Village - Dariyapur Kefen, P.S. - Turki, District - Muzaffarpur
 2. Abhay Kumar Son of Dineshwar Singh Resident of Village - Dariyapur Kefen, P.S. - Turki, District - Muzaffarpur
 3. Suman Kumari Wife of Abhay Kumar Resident of Village - Dariyapur Kefen, P.S. - Turki, District - Muzaffarpur
 4. Murari Singh @ Murari Kumar Singh Son of Ajeet Kumar Resident of Village - Pagra, Ward No.9, P.S. - Dalsinghsarai, District - Samastipur
 5. Rinku Devi @ Rinku Kumari Wife of Murari Singh Resident of Village - Pagra, Ward No.9, P.S. - Dalsinghsarai, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shophiya Rani, Wife of Suman Kumar, Daughter of Ravi Shankar Sharma Resident of Village - Dariyapur Kafen, P.S. - Kudani, District - Muzaffarpur. Presently residing at Village - Khadashin, P.S. - Town Telpa, District - Arwal, PIN - 804419

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Chandra, Advocate.
For the Opposite Party/s	:	Mr.Nirmala Kumari, APP.
For the O.P. No.2	:	Mr. Avinash Chandra, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-09-2025 Heard Mr. Shashank Chandra, learned counsel appearing on behalf of the petitioners; Mrs. Nirmala Kumari, learned APP for the State and Mr. Avinash Chandra, learned counsel for the opposite party no.2.

2. The present application has been filed under Section 482 of the Cr.P.C. for quashing of the order dated 29.07.2024 passed by the learned Sub Divisional Judicial Magistrate, Arwal in Arwal Complaint Case No. C-89 of 2024,



whereby the learned Magistrate has taken cognizance against the petitioners under Section 323 of the Indian Penal Code and issued process against the petitioners under Section 204 Cr.P.C.

3. Allegation is of subjecting the complainant to various sorts of torture and cruelty by the accused persons, due to non-fulfillment of demand of dowry of Rs 50 Lakhs.

4. Learned counsel appearing on behalf of the petitioner submitted that the learned Sub Divisional Judicial Magistrate, Arwal, in the most mechanical manner, without applying his judicial mind that the matter is purely civil in nature and without considering the material available on record, has taken cognizance against the petitioner *vide* order dated 29.07.2024, which cannot sustain in the eye of law. Learned counsel in this regard has relied upon the judgment of the Apex Court passed in case of ***Paramjeet Batra v. State of Uttarakhand***, reported in ***(2013) 11 SCC 673***, wherein in paragraph no. 12, the court has held as under:-

12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing



civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court.

5. In the case of ***Usha Chakraborty Vs. State of West Bengal, reported in (2023) 15 SCC 135***, while quashing the FIR therein and further proceedings based thereon, the Apex Court observed as under: -

‘...the factual position thus would reveal that the genesis as also the purpose of criminal proceedings are nothing but the aforesaid incident and further that the dispute involved is essentially of civil nature.’

6. The Apex Court has reiterated the aforesaid preposition in recent judgment of ***S.N. Vijayalakshmi & Ors. Vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575***.

7. Both the parties agreed to settle the dispute outside the Court and have willingly desired to appear before the learned District Court on 22.09.2025 at 10:30 AM.

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



9. Learned Mediator of the District Mediation Center concerned shall make his/her best efforts to settle the dispute 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 petitioners in connection with the aforesaid case.

10. In case of failure on the part of the petitioners to appear on 22.09.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

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

(Purnendu Singh, J)

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