

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79827 of 2025

Arising Out of PS. Case No.-125 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Zamir Ahmad Khan @ Jamir Ahamad Khan S/o- Late Sagir Ahmad Khan
2. Azami Mohammad Imtiyaz Khan S/o- Zamir Ahmad Khan @ Jamir Ahmad Khan

Both are Resident of Block-B, Flat No. 208/203, Shalimar Apartment, Old Purliya Road Mango, Jamshedpur, Jharkhand, 832110, P/A- Resident of village- Fish Line Purani Basti PO- Jugsulai PS- Jugsulai Dist- East Singhbhoom, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reshma Parween W/o- Azami Mohammad Meraj Khan, Resident of Block-B, Flat No. 208, Shalimar Apartment, Old Purliya Road Mango, Jamshedpur, Jharkhand,
A/p- residing with her parents D/o Diwan Sarfaraj Khan, Resident of Village - Naughara Ps- Chainpur Dist- Kaimur (Bhabhua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh, Advocate Mr. Karu Kumar, Advocate
For the Opposite Party/s	:	Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 20-11-2025

Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the opposite party no.2.

2. The petitioners have preferred application under Section 482 Cr.P.C. / 528 BNSS for quashing of the order dated



14.10.2025 passed in connection with Chainpur P.S. Case No.125/2021 by the learned District & Additional Sessions Judge-I, Kaimur at Bhabhua, whereby discharge petition dated 15.09.2025 filed on behalf of the petitioners under Section 250 of BNSS was dismissed.

3. The prosecution story, in short is that marriage of the informant was solemnized with one Azami Mohammad Meraj Khan/the son of petitioner no.1 (father-in-law of O.P. No.2) on 31.05.2025 and at the time of marriage, her father gave Rs.3,50,000/- for purchasing the home appliances and Rs.3,00,000/- for purchasing the ornaments. Two months after the marriage, her husband and in-laws started demanding a Baleno car in the form of dowry, which was not fulfilled by her father and for non-fulfillment of the demand, they subjected her to cruelty both mental and physical. In the meantime, the informant became pregnant but it resulted into miscarriage. Informant has further alleged that her brother-in-law/petitioner no.2 on 12.12.2020 tried to rape her but somehow she managed to flee away. Aggrieved by the said act, the informant has filed the FIR on 26.06.2021 against them just one year after the strained marriage.

4. Learned counsel appearing on behalf of the



petitioners submitted that the learned District Court before dismissing the discharge petition filed on behalf of the petitioners failed to consider that the offence as alleged is not against the society. He further submitted that even considering the offence as alleged, material available on record don't disclose any criminal element and without considering this aspect, the impugned order becomes unsustainable in the eye of law. He further submitted that the petitioner no.1 is father-in-law and petitioner no.2 is brother-in-law of O.P. No.2 and there is general and omnibus allegation against them. So far as allegation against petitioner no.2 of trying to commit rape with the informant is just ornamental in order to implicate him. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred but the same can be resolved, if the parties are given opportunity to ponder to reconcile their dispute outside the court.

5. Heard the parties.

6. 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** has held



that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

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. 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.”

9. From perusal of the FIR, it is evident that there is specific allegation against the petitioner no.2 that he tried to rape but became unsuccessful seems to be vague just to implicate him in a false case. Allegation against petitioner no.1 is general and omnibus. The O.P. No.2 has made allegation against her husband.

10. Accordingly, the order dated 14.10.2025 passed by the learned District & Additional Sessions Judge-I, Kaimur at Bhabhua, by which discharge petition filed on behalf



of the petitioners was dismissed, is hereby **set aside and quashed**.

11. However, the petitioners being the close family members, are directed to participate in the mediation, if it is held or is going on between the husband and wife.

12. Accordingly, the quashing application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2025
Transmission Date	22.11.2025

