

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79916 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Muzaffarpur

Devendra Thakur Son of Late Indradeo Thakur Resident of Village - Quter
No. -NR3 /7 New Colony, P.O.- Jitpur, P.S.- Jorapokhar, District- Dhanbad,
Pin No. 828309

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari Wife of Devendra Thakur, D/O - Late Srikant Prasad Resident of Mohalla - Maripur, P.S. - Kaji Mohammadpur, District- Muzaffarpur
3. Ayush Son of Devendra Thakur, Under the Guardianship of Mother, i.e. O.P. No. -2, W/O - Devendra Thakur, D/O - Late Srikant Prasad, Resident of Mohalla - Maripur, P.S.- Kaji Mohammadpur, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-10-2025 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. The present application has been filed for quashing of order dated 06.09.2019 passed by the learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No.333 of 2017 whereby the petitioner has been directed to pay Rs.15,000/- per month to the Opposite Party no.2 as ad-interim maintenance.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is being harassed only because the criminal prosecution is pending against him.



4. 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 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.*

5. 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.”

6. Recently also, the Apex Court has reiterated the principle laid down in case of ***Navneesh Aggarwal (Supra)*** in ***Mange Ram (Supra)***.

7. The petitioner is the husband and the O.P. No. 2 (wife) may proceed to settle their strained matrimonial relationship amicably, the learned District Court shall also strive till last to settle the dispute outside the Court.

8. The Petitioner and O.P. No. 2 are directed to appear before the learned District Court on 27.11.2025 at 10:30 AM.

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

10. 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.

11. 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.

12. In case of failure on the part of the petitioner to appear on 27.11.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

13. In case, it is deliberate on the part of the Petitioner and he fails to reconcile, then in that case, the learned District Court shall proceed with the trial. However, if the O P No. 2 fails to cooperate into mediation or arrive at amicable settlement, the interim protection granted to petitioner no. 1 shall become final and the proceeding against him is also required to proceed in accordance with law.

14. The present application stands disposed of.

(Purnendu Singh, J)

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