

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86162 of 2024

Arising Out of PS. Case No.-233 Year-2017 Thana- SONBERSA District- Sitamarhi

1. Jhagru Rai S/O Late Bhikhari Rai
2. Chandrakala Devi @ Chandar Devi W/O Jhagaru Rai
Both are resident of Narkatia, P.S.- Sonbarsha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Kumari W/O Mukesh Kumar, D/O Rajnandan Prasad Yadav, Resident of Narkatia, P.S.- Sonbarsha, Dist.- Sitamarhi. At Present R/O Vill.- Ghaghra, Ward no. 8, P.O.- Baburban, P.S.- Parihari, Dist.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Madhubala Verma, Advocate
For the Informant	:	Mr.Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 14-10-2025

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

2. At the very outset, learned counsel appearing on
behalf of the petitioner seeks to withdraw the present quashing
application in respect of petitioner no.1 (Jhagru Rai).

3. Permission accorded.

4. The present application has been filed for quashing
of order dated 24.09.2024 passed in Trial No.4020 of 2024
arising out of Sonbarsa PS Case No.233 of 2017 by the learned
SDJM, Sitamarhi whereby the discharge petition of the



petitioner has been rejected for the offences under sections 341, 323, 498(A), 307/34 of IPC read with under section 3/4 of Dowry Prohibition Act.

5. In the light of the order/judgment passed by the Apex Court in the case of ***Shobhit Kumar Mittal Vs State of Uttar Pradesh & Anr.*** reported in ***2025 INSC 1152***, learned counsel appearing on behalf of the petitioner contended that the petitioner is being unnecessarily dragged just because she is mother-in-law of OP No.2, who has no concern with the strained matrimonial relation of her son with O.P.No.2.

6. Mr. Uday Kumar, learned counsel for the O.P.No.2 has vehemently opposed the prayer of the petitioner to quash order dated 24.09.2024, on the ground that O.P.no.2 has been subjected to cruelty- mentally and physically both.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that aggrieved by the criminal act of the accused persons, the informant has lodged a criminal case against the accused persons including petitioner no.2.

8. I find that the present is one of the cases, in which, petitioner being the family member have been dragged to face the present criminal prosecution. Recently, the Hon'ble Supreme



Court, in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)*** has found it to be vexatious in nature and has pleased to quash the entire proceeding. I find it appropriate to reproduce the paragraphs no. 25, 31 and 32, 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. Considering the rival submissions made on behalf of the parties, as well as, in the light of the law laid down by the Apex Court in the case of **Mange Ram (surpa)**, order dated 24.09.2024 passed in Trial No.4020 of 2024 arising out of Sonbarsa PS Case No.233 of 2017 pending in the court of the learned SDJM, Sitamarhi is hereby set aside and quashed.

10. The present quashing application stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	17.10.2025
Uploading Date	NA
Transmission Date	NA

