

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2857 of 2024

Arising Out of PS. Case No.-46 Year-2020 Thana- MAHILA P.S. District- Rohtas

1. Maya Devi W/o Late Prem Shankar Rai Resident At 1464, Indira Nagar, P.S. Dehraden, Dist. Dehradun, Uttarakhand.
2. Prem Shankar Rai S/o Ram Raj Rai Resident At 1464, Indira Nagar, P.S.. Dehraden, Dist. Dehradun, Uttarakhand.
3. Chandan Kumar S/o Prem Shankar Rai Resident At 1464, Indira Nagar, P.S.. Dehraden, Dist. Dehradun, Uttarakhand.
4. Priya Rai D/o Prem Shankar Rai Resident At 1464, Indira Nagar, P.S. Dehraden, Dist. Dehradun, Uttarakhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti kumar D/o Krishna Bihari Rai R/o Station Road Gau Rakshini, Sasaram Ward No. 07, P.S. Sasaram, Dist. Rohtas.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71798 of 2022

Arising Out of PS. Case No.-46 Year-2020 Thana- MAHILA P.S. District- Rohtas

Neeraj Kumar @ Neeraj Rai Son of Prem Shankar Rai @ Daya Shankar Rai R/o village - Jhalkhora, P.S.- Karamchat, Dist.- Kaimur (Bhabhua) Presently residing at House No.- 1464 Indra Nagar Behind CBI Colony, P.S. - Basant Bihar, Dist.- Dehradun, State - Uttarakhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Daughter of Krishna Bihari Rai Resident of Station Road Gau-rakshini, Sasaram Ward No.- 07, P.S.- Sasaram, Dist.- Rohtas.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2857 of 2024)

For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Informant/O.P. No.2 : Mr. Manoj Kumar Singh, Advocate
Mr. Ankit Kumar Singh, Advocate
For the State : Mr. Ajay Kumar No. 2, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 71798 of 2022)

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Informant/O.P. No.2 : Mr. Manoj Kumar iSingh, Advocate
Mr. Ankit Kumar Singh, Advocate
For the State : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY



ORAL ORDER

5 29-07-2025 Heard learned counsel for the petitioners, learned counsel for the Informant and learned A.P.P. for the State.

2. Both the applications are being heard together as they arising from the same P.S. Case i.e. Mahila P.S. Case No. 46 of 2020, G.R. No. 1963 of 2020 and in both the applications order taking cognizance dated 03.09.2021 passed by learned Judicial Magistrate, First Class, Sasaram has been challenged whereby the learned Court below has taken cognizance of the offences under Sections 341, 323, 498A, 504, 506 and 34 of the Indian Penal Code, 1860 and Section 3 and 4 of the Dowry Prohibition Act against the petitioners.

3. The learned counsel for the petitioners at the outset has submitted that without going into the merits of the case, it would suffice to bring to the knowledge of this Court that during the pendency of the present application, the petitioner, namely, Neeraj Kumar @ Neeraj Ray and the Opposite Party No. 2, namely, Jyoti Kumari have compromised and have also filed an application under Section 13-B of the Hindu Marriage Act, 1955 before the learned Principal Judge, Family Court, Rohtas at Sasaram being Matrimonial (Divorce) Case No. 151 of 2025. It has next been submitted that the plaint of the said matrimonial case has been brought on record by way of supplementary



affidavit contained in Annexure-P4 wherein in Paragraph No. 3 of the joint petition, the parties have stated that they would be withdrawing their respective cases filed against each other and shall close those cases on account of compromise. The learned counsel for the petitioners have also pointed out towards the statements of the petitioner, namely, Neerak Kumar @ Neeraj Rai as well as the Opposite Party No. 2, namely, Jyoti Kumari recorded by the learned Court below in the matrimonial Case No. 151 of 2025 wherein they have stated that they are taking divorce out of their own free will.

4. The learned counsel for the petitioners thus submits that on account of the divorce between the petitioner, namely, Neeraj Kumar Rai with Opposite Party No. 2 Jyoti Kumari, the continuation of the criminal case shall serve no purpose and would amount to an abuse of the process of law. The learned counsel has submitted that considering the fact that the husband and wife are parting ways on the basis of a compromise, continuation of the present case, specially against the in-laws shall serve no purpose and thus the same may be quashed. The learned counsel appearing on behalf of the Opposite Party No.2 does not dispute the submissions and contentions raised by the learned counsel for the petitioners and in fact admits that the



parties have indeed compromised and they no longer want to pursue the cases between them and the divorce case is also on the verge of completion and only the formal decree of divorce is awaited. The learned counsel for the O.P. No. 2 does not dispute the factum of the compromise and thus does not oppose the prayers made on behalf of the petitioners.

5. This Court after considering the submissions made by the respective parties and also taking into account the subsequent development made in the present case i.e. the filing of divorce case with mutual consent and the reference of compromise in the same, this Court feels that in such cases where predominantly the dispute is essentially private in nature and if both the parties have reached a settlement and have resolved their disputes amicably, the continuation of present proceedings would amount to abuse of the process of law.

6. This Court at this point would like to refer to the judicial pronouncements by the Hon'ble Supreme Court in Gian Singh Vs. State of Punjab reported in (2012) 10 SCC 303 and Narinder Singh Vs. State of Punjab (2014) 6 SCC 466 wherein it has been held that in offences predominantly of civil or personal nature such as the present dispute, criminal proceedings may be quashed on the basis of genuine and



voluntary compromise between the parties.

7. This Court had perused the joint petition filed by the parties before the learned Court below and their statements on oath as has been brought by way of Annexure-P4 and P5 the continuation of the present proceedings would amount to abuse of process of law and hence the order dated 03.09.2021 passed by learned Judicial Magistrate, First Class, Sasaram is hereby quashed and the entire criminal proceedings initiated on the basis of Mahila P.S. Case No. 46 of 2020, G.R. No. 1963 of 2020 is hereby quashed.

8. Accordingly, the entire applications is allowed.

(Sourendra Pandey, J)

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