

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2691 of 2025

Arising Out of PS. Case No.-677 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

-
1. Santu Kumar Son of Late Barat Ravidas village- Rampur, PO- Oap, PS- Aungari, District- Nalanda
 2. Kanchan Devi Wife of Sri Mantu Kumar village- Rampur, PO- Oap, PS- Aungari, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari Wife of Sri Santu Kumar village- Rampur, PO- Oap, PS- Aungari, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohan Verma, Advocate
For the O.P. No. 2	:	Mr. Prashuram Singh, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-10-2025

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

2. The present application has been filed under Section 482 Cr.P.C. for quashing of the order taking cognizance dated 03.08.2024 passed in Complaint Case No. 677C of 2023 by the learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda, whereby cognizance has been taken under Sections 498A and 323 of the Indian Penal Code.

3. The allegation is of subjecting the opposite party



no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry. It is further alleged that petitioner no. 1, who is the husband of opposite party no. 2 is having illicit relationship with the wife of his elder brother (*Bhabhi*).

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner no. 1 is the husband of opposite party no. 2 and petitioner no. 2 is sister-in-law (*gotni*) of opposite party no. 2. He further submitted that a triangular love story has been hatched to implicate the petitioner no. 1 in a false case. Petitioner is employed in Indian Railways and he denies all the allegations as has been alleged in the complaint. Learned counsel further informs that petitioner is ready to live peacefully with his wife (opposite party no. 2). Learned counsel further informs that petitioner is not having any illicit relationship with the wife of his elder brother, who was aged about 32 years at the time of filing of the present application. Petitioner has all regard to his *Bhabhi* and love for his wife. On these grounds, learned counsel seeks quashing of order of cognizance dated 03.08.2024 passed in Complaint Case No. 677C of 2023 by the learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda.

5. *Per contra*, learned counsel appearing on behalf of



the opposite party no. 2 informs that the opposite party no. 2, who is wife of the petitioner no. 1 and is aged about 21 years, also wants to live along with the petitioner no. 1 subject to the conditions that petitioners will not subject her to any cruelty nor they will demand any dowry in future.

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, as well as, having considered the nature of allegation made against petitioner no. 2, I find that from the very perusal of the FIR, it appears that the petitioner no. 2 is sister-in-law (*bhabhi*) of petitioner no. 1 and *gotni* of opposite party no. 2.

8. The law in respect of matrimonial dispute between husband and wife is well settled at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily.

9. The Apex Court has demarcated the manner in which the complaints are entertained by the learned District Court. 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.

10. The Apex Court in case of *Naushey Ali & Ors.*



Vs. State of Uttar Pradesh & Anr. reported in **(2025) 4 SCC 78**, considering the entirety of matters, particularly dealing with the misuse of Section 498 of IPC, referring to its earlier judgment, finally concluded that offences arising out of matrimonial dispute particularly relating to dowry etc. or a family dispute where wrong is committed to the victim by the offenders and his family, can be settled amicably and also in light of the recent judgment of Apex Court in the case of *Navneesh Aggarwal & Ors. v. State of Haryana & Anr.* reported in **2025 INSC 963**, I find that no case under Section 498A of IPC is made out against petitioner no. 2. Accordingly, the entire proceeding including the order dated 03.08.2024 passed in Complaint Case No. 677C of 2023 by the learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda are hereby **set aside and quashed to the extent it relates to petitioner no. 2.**

11. 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.*

12. 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.”

13. So far as the petitioner no. 1 is concerned, who



is the husband of opposite party no. 2 is ready to settle the dispute amicably outside the Court.

14. The petitioner no. 1 may proceed to settle the strained matrimonial relationship amicably, the learned District Court shall also strive till last to settle the dispute outside the Court

15. Petitioner no. 1 and opposite party no. 2 have agreed to appear before the learned District Court on 08.12.2025 at 10:30 AM.

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

17. 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.

18. 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.



19. In case of failure on the part of the petitioner no. 1 to appear on 08.12.2025 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner no. 1 shall automatically lose its force.

20. In case, it is deliberate on the part of the petitioner no. 1 and he fails to reconcile, then in that case, the learned District Court shall proceed with the trial. In case, it is deliberate on the part of the opposite party no.2 to reconcile, then in that case, the interim protection granted to petitioner no. 1 shall continue and the trial shall proceed in accordance with law.

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

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.11.2025
Transmission Date	04.11.2025

