

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3598 of 2026

Arising Out of PS. Case No.-535 Year-2025 Thana- BAKHTIYARPUR District- Patna

Rocky Raj @ Goverdhan Sah @ Goverdhan Son of Gajadhar @ Gajadhar Prasad Gupta, Resident of Village/Mohalla- Ambedkarnagar, P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayushi Kumari D/o Banarasi Lal Gupta, permanent R/o Karken Bazar, Hatiya Mandir, Dhanbad, Jharkhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the informant	:	Mr. Magan Kumar, Advocate Mr. Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel for the O.P. No.2/informant.

2. The petitioner seeks pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 535/2025 for the offences punishable under Sections 126(2), 115(2), 82(1), 89, 352, 351(2), 84 3(5)of the BNS.

3. As per the allegations made in the FIR, the marriage between O.P. No. 2 and the petitioner was solemnized on 25.06.2023. After about one year of marriage, the informant came to know that the petitioner had already married another



woman. Thereafter, it is alleged that the petitioner and his in-laws used to assault the informant and subject her to various sorts of torture and cruelty. It is further alleged that the informant was forcibly made to undergo an abortion by the petitioner and her sisters-in-law.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the husband of the O.P. No.2 and the allegation levelled against him is false and concocted. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. Learned counsel further submitted that the petitioner is ready to keep O.P. No.2/informant in his house and then they will proceed to settle their dispute amicably by way of community mediation or by way of mediation in accordance with Mediation Act, 2023.

5. Learned counsel appearing on behalf of the O.P. No.2 submitted that presently the O.P. No.2 is residing with her parents and she is also ready to live with the petitioner.

6. Learned APP for the State submitted that opportunity shall be given to the parties to reconcile their dispute amicably.



7. Heard the parties.

8. This Court finds that 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, as has been held by the Apex Court in the case of ***Rajendra Bhagat v. State of Jharkhand***, reported in ***(2022) 18 SCC 465*** in paragraph no.9 which is as under:-

“9. Taking note of the object of Section 498-AIPC, the expected approach of the High Court in the event of bona fide settlement of disputes had been duly expositied by this Court in B.S. Joshi v. State of Haryana [B.S. Joshi v. State of Haryana, (2003) 4 SCC 675 : 2003 SCC (Cri) 848] , wherein this Court has underscored the duty of the Court to encourage the genuine settlement of matrimonial disputes and said as under : (SCC pp. 682-83, paras 12-16)

“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 [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.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Penal Code, 1860.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

16. For the foregoing reasons, we set aside the impugned judgment and allow the appeal and quash the FIR abovementioned.””

9. Considering the desire of the parties that they want to settle their dispute amicably, the petitioner is directed to keep O.P. No.2/informant/wife in his house and thereafter proceed to settle their dispute amicably by way of community mediation. In case, the parties fail to do so then in that case, the parties may settle their dispute by way of mediation in accordance with Mediation Act, 2023 by approaching the learned District Court.



10. In case the petitioner approaches the learned District Court then in that case, the learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”.

11. Learned Mediator of the District Mediation Center concerned, upon appearance of the parties, shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of three months, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

12. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court as referred hereinabove, the petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

13. In case of failure on the part of the petitioner to appear 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.



14. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

15. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy.

16. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, if any, which they have lodged against each other.

17. With aforesaid direction and observation, the present application stands disposed of.

18. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

