

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3703 of 2025

Arising Out of PS. Case No.-395 Year-2021 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Shashibhushan, Son of Sri Jayanand Prasad, R/O-Mohalla-Rajiv Nagar Road
No. 16, Plot NO. -9, P.S.- Rajiv Nagar, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari, Wife of Shashibhushan, D/O- Sri Pramod Prasad At present working as Senior Associate Manager in CSR (Corporate Social Responsibility) of H C L, Foundation, Lucknow, 5th Floor, Saran Chamberl Jopling road, neer Dham Nirman complex, Hazaratganj, Lucknow U.P. PIN 660022, resident of C/O- Pramod Prasad, near Terighat Mohalla- Khajekala, P.S.- Khajekhala, Patna City, Distt.- Patna-800008

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 24374 of 2024

Arising Out of PS. Case No.-395 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Jayanand Prasad, S/o Late Laxmi Narain R/o Mohalla- Rajiv Nagar, Road No. 16, Thana- Ragiv Nagar, District- Patna
 2. Sunita, Devi Wife of Jayanand Prasad R/o Mohalla- Rajiv Nagar, Road No. 16, Thana- Ragiv Nagar, District- Patna
 3. Bhushan, S/o Sri Jayanand Prasad Permanent R/o Mohalla- Rajiv Nagar, Road no. 16, Thana - Ragiv Nagar, District- Patna At present R/o Mohalla- Bakarganj, Bari Road, Bankipur, P.S.- Pirbahore, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Kumari, W/o Shashibhushan, D/o Sri Pramod Prasad At present working as Senior Associate Manager in CSR (Corporate Social Responsibility) of H C L, Foundation, Lucknow, 5th floor, Saran chamber, Jopling road, neer Dhan Nirman complex, Hazaratganj, Lucknow U.P. PIN 226600, R/o C/o Pramod Prasad, near Terighat mohalla- Khajekala, P.S.- Khajekhala, Patna City, Dist.- Patna- 800008

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 3703 of 2025)
For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP



For the Opposite Party No.2: Mr. Vinod Pandey, Advocate
(In CRIMINAL MISCELLANEOUS No. 24374 of 2024)
For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For the Opposite Party No.2: Mr. Vinod Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 09-02-2026 Since both the applications arise out of the same P.S.

they are being heard together and being disposed off by this

common order.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. The present application has been filed by the
petitioners invoking the inherent jurisdiction of this Hon'ble
Court for quashing the order dated 09.01.2023 passed by the
learned Judicial Magistrate 1st Class, Patna City, Patna in
Complaint Case No.395 of 2021 by which cognizance for the
offence under Sections 498A of the Indian Penal Code and
Section 3/4 Dowry Prohibition Act, 1961 has been taken against
the petitioners.

4. At the outset, learned counsel for the petitioner
submits that he has brought on record by way of supplementary
affidavit a compromise entered between the parties. It has been
submitted that the parties have settled the differences, as under
the one time settlement they have also filed a petition under
Section 13 B of the Hindu Marriage Act before the court of



learned Principal Judge, Family Court, Patna, for divorce with mutual consent and the differences between the parties have been settled and it has also been decided that the criminal case pending between the parties is to be disposed off in terms of the compromise, which finds mentioned in Paragraph 12 (v) of the joint compromise petition.

5. Learned counsel for the opposite party no.2 does not dispute such fact of compromise and has submitted that he does not have any objection to the disposal of the present application in terms of the compromise.

6. Having heard the learned counsel for the parties and taking into account that the present dispute relates to a matrimonial dispute and the parties have also compromised and therefore in view of the various judicial pronouncements especially, the observations made by the Hon'ble Supreme Court in the case of ***Narinder Singh and Ors. vs. State of Punjab and Anr*** reported in ***(2014) 6 SCC 466***, paragraph -29.4 of the same reads as under:

“29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”



7. The Hon'ble Supreme Court in the case of *Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr.* reported in **(2025) 4 SCC 78** has observed that in a case where the parties have amicably settled their dispute the proceeding with the trial would be futile and it would be a grave abuse of process of law if the proceedings are not quashed.

8. In view of the aforesaid judicial pronouncements and settled principle of law, the order dated 09.01.2023 passed by the learned Judicial Magistrate 1st Class, Patna City, Patna in Complaint Case No.395 of 2021 by which cognizance for the offence under Sections 498A of the Indian Penal Code and Section 3/4 Dowry Prohibition Act, 1961 has been taken against the petitioners is quashed.

9. Accordingly, both the applications stand allowed.

(Sourendra Pandey, J)

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