

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35893 of 2021

Arising Out of PS. Case No.-712 Year-2005 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. BABY NAZ Wife of Galib Resident of Village - Saiyad Gorari, Dobhi Ayurved Vishwavidhalaya, P.S. and District - Jaunpur, (U.P.)
 2. Mohammad Munna @ Munna Khan Son of Late Mohammad Yakub Khan Resident of Village - A-25/18, Salempura, P.S.- Adampura, Varanasi, (U.P.)
 3. Harun Khan Son of Late Mohammad Yakub Khan Resident of Village - 1917-B-1, P.S.- Chauhatta Lal Khan, Varanasi, (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon Wife of Humayun Khan Daughter of Shah Mohammad, Resident of Ram Nagar, District - West Champaran, Presently resident of Kali Bagh, Bettiah, P.S.- Bettiah Town, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the State	:	Mrs. Usha Kumari, APP
For the O.P. No.2	:	Mr. Sanjan Kr. Sharan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 13-01-2026

1. Heard Mr. Rajesh Mohan, learned counsel for the petitioners, learned APP for the State and Mr. Sanjan Kumar Sharan, learned counsel appearing on behalf of opposite party no.2.

2. The instant application has been filed for quashing of order dated 06.02.2006 passed by the learned S.D.J.M, West Champaran at Bettiah, whereby and whereunder the learned Magistrate took cognizance against the petitioners in



connection with Complaint Case No.712(C) of 2005 (S.Tr. No. 423 of 2018) under Section 498A of IPC and also issued summons thereunder.

3. The short facts of the case, leading to the impugned order taking cognizance is, based on the complaint filed by the opposite party no.2 (complainant) leading to the institution of the Complaint Case No.712(C) of 2005, relates to demand of dowry and cruelty meted out to the opposite party no.2 at the hands of the accused persons including the present petitioners.

4. The petitioners before this Court are the sister-in-law and two brothers-in-law of the opposite party no.2.

5. Learned counsel for the petitioners, besides urging other grounds on merits, has primarily laid emphasis on the fact that parties have now resolved their differences by filing a joint compromise petition dated 31.07.2019 before the learned Court of S.D.J.M, West Champaran at Bettiah, indicating therein that due to interference of well-wishers, an amicable settlement has been reached between the parties and the same was without any threat or coercion and that the complainant i.e., the opposite party no.2 did not want to pursue the case any further. The factum of compromise stands supported by the learned counsel



for the opposite party no.2, who has also filed a counter affidavit making specific averments in paragraph nos. 4 and 5 therein that issues between the parties have been resolved and in the changed situation, the opposite party no.2 did not want to pursue the present case and has also signed a compromise petition and filed in the Court below on 31.07.2019 itself. It has also been indicated that after resolution of differences, the parties are living together in the joint family house peacefully and hence, there is not good ground to continue the present criminal case against the petitioners pending before the learned S.D.J.M, West Champaran at Bettiah.

6. Upon hearing the submissions of the parties, this Court is of the view that in a case under Section 498A of IPC where the petitioners are the relatives of the husband of the complainant/informant coupled with the factum of compromise having been reached between the parties, continuation of criminal prosecution would serve no useful purpose and there are, several judicial pronouncements to the effect that even in the case of compromise in non-compoundable offences, the power under Section 482 of Cr.P.C. ought to be exercised for quashing of prosecution where the parties have settled the matter and the complainant does not want to pursue the case any



further.

7. In a very recent case of *Mange Ram Vs. State of Madhya Pradesh and Anr. [2025 INSC 962]*, the Hon'ble Supreme Court after discussing the earlier judgments on the issue of family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord, has laid down that continuation of criminal proceedings, in the event of a compromise between parties even in case of non-compoundable offences, especially in matters of matrimony, would only be an exercise in futility and justice demands that the dispute between the parties is put to an end and peace is restored.

8. Such observation has been made with specific reference to offence arising out of matrimonial dispute particularly relating to dowry etc., or a family dispute where the wrong is committed with the offender and the victim have settled dispute between them.

9. In the case of *Gian Singh Vs. State of Punjab* reported in *(2012) 10 SCC 303*, it had been held by the Hon'ble Supreme Court that High Court within the framework of inherent power, may quash the criminal proceedings, 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 criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

10. In the case of *Naushey Ali vs. State of U.P.*, reported in **(2025) 4 SCC 78**, there is clear-cut observation by the Hon'ble Supreme Court that when the parties have amicably resolved the dispute, proceeding with the trial 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.

11. Taking into consideration the entire facts and circumstances of the case, the submissions made on behalf of the parties, this Court is of the considered view that in the backdrop of resolution of dispute between the parties, the continuation of criminal proceedings against the family members of the husband of the complainant/opposite party no.2, especially, in absence of any specific allegations, would serve no legitimate purpose as has been held in the case of *Mange Ram (supra)*, it would only prolong bitterness between the parties and unnecessarily burden the justice system, especially when the disputes are no longer live.

12. Accordingly, considering it to be the duty of



this Court to bring quietus to personal disputes that have already been settled between the parties, this Court in its inherent jurisdiction of 482 Cr.P.C. would consider the continuation of the criminal proceedings abuse of the process of the Court. Consequently, impugned order dated 06.02.2006 passed by the learned S.D.J.M, West Champaran at Bettiah in Complaint Case No. 712(C) of 2005 (S.Tr. No. 423 of 2018) against the petitioners is hereby quashed.

13. Accordingly, criminal prosecution arising out of Complaint Case No.712(C) of 2005 (S.Tr. No. 423 of 2018) is quashed as against the petitioners and the instant application is allowed.

(Soni Shrivastava, J)

Harsh/-

AFR/NAFR	NAFR
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