

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9848 of 2018

Arising Out of PS. Case No.-601 Year-2016 Thana- DEHRI TOWN District- Rohtas

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1. Anant Kumar Sahu @ Anant Sahu S/o Krishna Kumar Sahu @ Krishna Prasad Sahu,
 2. Krishna Kumar Sahu @ Krishna Prasad Sahu, S/o Late Rajaram Sahu,
 3. Manorama Devi @ Manorama Sahu, W/o Sri Krishna Prasad Sahu,
 4. Amrita Sahu D/o Krishna Kumar Sahu @ Krishna Prasad Sahu, W/o Ajay Kumar,
 5. Anita Sahu D/o Krishna Kumar Sahu @ Krishna Pd. Shau, All R/o Bagicha Para Road, Bhawani Patna, P.S. Sadar Bhawani Patna, District-Kalahandi (Odisha) Presently residing at Village- 503 Tower Parasnath Palatinum Swarnnagari, P.S.- Kasna, District- Gautam Budha nagar, Greater Noida U.P.O.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sweta Sahu D/o Ramnath Prasad Gupta, R/o Pali Road Kutiya Mandir, Shuvganj, P.S.- Dehri, District- Rohtas. At present Residing at 503 Tower Parasnath Platanium Swarnnagari P.S.- Kasna, Distt. Gautam Budha Nagar, Greater Noida U.P..

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Mishra, Advocate Mr. Kanhiya, Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Dr.Mrityunjaya Kr.Gautam, APP
For the Opposite Party/s	:	Mr. Tiwari Shwetketu, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 19-02-2026 Heard learned counsel for the petitioners, learned counsel for O.P. No. 2 and learned A.P.P. for the State.

2. The present application has been filed on behalf of the petitioners under Section 482 Cr.P.C. for quashing the order of cognizance dated 26.05.2017 passed by the learned S.D.J.M., Dehri, Rohtas (hereinafter referred to as ‘Magistrate’) in Dehri



(T) P.S. Case No. 601 of 2016 wherein learned Magistrate took cognizance of the offences under Sections 498A, 323, 504/34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 against the petitioners.

3. The case arises out of Dehri (T) P.S. Case No. 601 of 2016 instituted on the basis of the self-statement of O.P. No. 2. As per the F.I.R., the marriage of O.P. No.2 was solemnized with petitioner no.1, Anant Sahu (now deceased), on 19.05.2013 at Dehri Town in accordance with Hindu rites and rituals. After marriage, she initially resided with her husband at Hyderabad, where he was employed, and thereafter shifted with him to Greater Noida upon his transfer. It is alleged that after some time of marriage, she was subjected to cruelty and physical assault by her husband and other in-laws (petitioner nos.2 to 5). The O.P. No.2 has further alleged that at the time of marriage, cash of Rs. 8,00,000/- and jewellery worth approximately Rs. 10,00,000/- were given by her family under pressure to the petitioners, yet the accused persons remained dissatisfied and continued to subject her to harassment for further demands. It has been further alleged that during her pregnancy she was mercilessly assaulted, which compelled her to return to her parental home. Thereafter, on intervention of well-wishers from



both sides, the husband executed a bond dated 28.09.2015 assuring proper care, respect and security to her. According to the F.I.R., although there was temporary normalcy, the alleged harassment continued. It is also alleged that subsequently the husband started his own business and obtained a personal loan of Rs. 8,75,000/- in the name of the informant from HDFC Bank for investment in his business, along with a credit card facility of Rs. 2,00,000/-. Upon repayment of the loan, pressure was allegedly exerted upon her to arrange money from her parental family. The informant has further alleged that on 27.10.2016, while residing at Greater Noida, she was again assaulted by her husband and in-laws, after which she returned to her parental home and lodged the present F.I.R.

4. During the pendency of the present application, the subsequent development in this case is that both the parties (petitioner no.1 and O.P. No.2) have appeared before the learned District and Sessions Judge, Sasaram, Rohtas in A.B.P. No. 214 of 2017 and have filed a joint compromise petition stating that they have amicably resolved all their matrimonial disputes resuming cohabitation as husband and wife and they do not want to continue further litigation. The parties have unequivocally stated that the compromise has been entered into



voluntarily, without any force, fraud or coercion. In the meantime, the husband and father-in-law of the O.P. No.2, who are petitioner nos. 1 and 2 respectively in the present petition have already died.

5. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the present application, petitioner no.1 (husband of O.P. No.2) and petitioner no.2 (father-in-law of O.P. No.2) have unfortunately expired and, as such, the criminal proceeding against them stands abated. It is further submitted that the dispute, which was purely matrimonial in nature, had already been amicably resolved between the husband and O.P. No. 2 during their lifetime. It is submitted that a compromise petition dated 23.02.2017 was filed before learned District and Sessions Judge, Sasaram, Rohtas, wherein both parties had voluntarily stated that they had settled their differences and were living together peacefully without any grievance against each other. It is further submitted that in view of the said compromise and the subsequent developments, continuation of the criminal proceeding against the remaining petitioners (petitioner nos.3 to 5), who are family members of the petitioner no.1, would serve no useful purpose and would amount to abuse of the process of



the Court. Learned counsel submits that the allegations in the F.I.R. are omnibus in nature so far as the remaining in-laws are concerned, and in light of the settlement already arrived at between the husband and wife, the substratum of the case no longer survives. Learned counsel, therefore, prayed that the proceeding be quashed in the interest of justice.

6. Learned counsel for O.P. No. 2 submits that in view of the compromise dated 23.02.2017 entered into between the husband and wife, and considering the subsequent developments including the death of petitioner nos.1 and 2, the O.P. No.2 does not wish to pursue the criminal proceeding any further. It is submitted that the dispute was matrimonial in nature and had already been amicably resolved between the parties during the lifetime of the husband (petitioner no.1). Therefore, learned counsel for O.P. No.2 has no objection if the present proceeding is brought to an end in the interest of justice.

7. Learned A.P.P. for the State, in view of the compromise arrived at between the parties as well as the death of petitioner nos.1 and 2, submits that the State has no serious objection to the prayer made by the petitioners. It is submitted that since the matter arises out of a matrimonial dispute and the informant herself does not intend to proceed with the case,



appropriate orders may be passed by this Court in accordance with law.

8. Having heard the submissions and upon perusal of the materials available on record, at this stage, it is apposite to reiterate the nature of crime under Section 498A along with Sections 323, 504/34, of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act along with the principles guiding the scope thereto.

9. It is well settled that although offences under Section 498A of the Indian Penal Code and allied provisions are non-compoundable, the High Court, in exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, may quash criminal proceedings if the dispute is predominantly private and arises out of matrimonial discord, and the parties have settled the matter amicably. The Hon'ble Supreme Court in *B.S. Joshi and Ors. v. State of Haryana and Anr.*, reported in (2003) 4 SCC 675; *Gian Singh v. State of Punjab and Anr.*, reported in (2012) 10 SCC 303; *Narinder Singh and Ors. v. State of Punjab and Anr.*, reported in (2014) 6 SCC 466; and *Parbatbhai Aahir and Ors. v. State of Gujarat and Anr.*, reported in (2017) 9 SCC 641 has held that in cases having overwhelmingly civil or personal flavour, particularly



matrimonial disputes, the High Court may quash the proceedings to secure the ends of justice and to prevent abuse of the process of Court, provided the compromise is genuine and voluntary. However, such power is to be exercised with caution, having regard to the nature and gravity of the offence.

10. The Hon'ble Supreme Court in ***B.S. Joshi (supra)*** has held on the point of genuine settlement between the parties, 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.”

11. Moreover, the Hon'ble Supreme Court on power of the High Court within the framework of its inherent jurisdiction to quash a case with respect to subsequent settlement has held in ***Gian Singh (supra)*** as under:

“61.But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of



conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

A similar view has been reiterated by the Hon’ble Apex Court in ***Narinder Singh (supra)***

12. Insofar as the principles governing quashing of a complaint/cognizance/criminal proceeding on the basis of compromise or settlement between the parties, the Hon’ble Supreme Court has held in ***Parbatbhai Aahir (supra)*** as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. *Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.*



16.2. *The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*

16.3. *In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.*

16.4. *While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.*

16.5. *The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.*

16.6. *In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is*



founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.....”

13. In the recent judgment of the Hon’ble Supreme Court in *Mange Ram v. State of Madhya Pradesh and Anr.*, reported in **2025 SCC OnLine SC 1681** has observed as under:

“29. A three-Judge Bench of this Court in State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, observed in paragraph 15.5 thereof that while exercising power under Section 482 CrPC to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, it is necessary to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.

xxx xxx xxx

32. In Naushey Ali v. 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.”



14. Having considered the submissions advanced on behalf of the parties and upon perusal of the materials available on record, it appears that the prosecution case arises out of a matrimonial dispute between petitioner no.1 (husband) and O.P. No. 2. The allegations in the F.I.R. relate to demand of dowry and alleged acts of cruelty said to have been committed after the marriage while the parties were residing at Hyderabad and thereafter at Greater Noida. It further transpires from the record that during the pendency of the proceeding before the learned District and Sessions Judge, Sasaram, Rohtas, the parties entered into an amicable settlement and a joint compromise petition dated 23.02.2017 was filed, wherein it was stated that they had resolved their differences and were living together peacefully.

15. Further, it is also not in dispute that petitioner no.1 (husband) and petitioner no.2 (father-in-law) have since expired during the pendency of the present proceeding. O.P. No. 2, through the learned counsel, has categorically stated before this Court that she does not intend to pursue the criminal case any further. The learned A.P.P. for the State has also expressed no objection in view of the compromise and the subsequent developments. In the aforesaid factual backdrop, it is evident



that the substratum of the dispute was matrimonial in nature and stood amicably resolved between the principal parties during their lifetime. In view of the compromise, the death of the husband and father-in-law, and the clear stand of the O.P. No.2 that she does not wish to proceed further, continuation of the criminal proceeding against the remaining accused persons would serve no fruitful purpose and would not advance the ends of justice.

16. Accordingly, in view of the facts and circumstances of the case, the submissions advanced on behalf of the parties, and the settled legal position governing quashing of criminal proceedings on the basis of compromise, this Court is of the considered opinion that it is a fit case for exercise of inherent jurisdiction. The impugned order dated 26.05.2017 taking cognizance for the offences under Sections 498A, 323, 504/34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 passed by the learned S.D.J.M., Dehri, Rohtas in Dehri (T) P.S. Case No. 601 of 2016 as well as the entire criminal proceeding arising therefrom, are hereby quashed.

17. Accordingly, the present Criminal Miscellaneous application stands allowed.



18. Let a copy of this order be communicated to the
learned Court concerned forthwith.

(Sunil Dutta Mishra, J)

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