

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31837 of 2018

Arising Out of PS. Case No.-523 Year-2016 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Ram Swaroop Gupta, Son of Ram Awatar Tanti
 2. Rita Devi, Wife of Ram Swaroop Gupta, Both resident of Village- Akta Nagar, A. House No. 39, Stree no. 01, Behind D.M.W. Patiyala, P.O.- Patiyala, P.S.- Nabha, District- Patiyala, In the State of Punjab, PIN Code- 147001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi, Wife of Vikash Kumar, Daughter of late Hira Lal, Resident of village- Chhoti Daultpur, P.S.- Jamalpur, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anish Chandra, Advocate
For the State	:	Mr. Binod Kumar, APP
For the O.P. No.2	:	Mr. S.K. Thakur, Advocate
	:	Mr. Adity Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 21-04-2026 Heard learned counsel for the petitioners as well as
learned counsel for the O.P. No.2 and learned APP for the State.

2. The present application has been filed on behalf of the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') to quash the order dated 04.01.2017 passed by the learned Sub-Divisional Judicial Magistrate, Munger (hereinafter referred to as 'Magistrate') in connection with Complaint Case No. 523(C) of 2016 wherein the learned Magistrate took cognizance of the offence under Section 323, 504 and 498A of the Indian Penal



Code, 1860 and under Section 4 of the Dowry Prohibition Act, 1961 against the petitioners herein, who are in-laws of the O.P. No.2 and also against the husband of the O.P. No.2.

3. The brief facts of the case, as emerging from the record, are that O.P. No.2 (complainant), namely Jyoti Devi, instituted Complaint Case No. 523(C) of 2016 before the Court of learned Chief Judicial Magistrate, Munger, alleging *inter alia* that her marriage with the son of the petitioners, namely Vikash Kumar, was solemnized on 20.05.2015 as per Hindu rites and customs. It is alleged that at the time of marriage, substantial cash and articles including gold and silver ornaments and household items were given as dowry. The complainant (O.P. No.2) has further alleged that after a brief period of cordial matrimonial life, she was subjected to cruelty, assault, and harassment by her husband and his family members, including the present petitioners (father-in-law and mother-in-law of O.P. No.2), on account of non-fulfilment of further dowry demands to the tune of Rs. 2,00,000/- along with other articles. It is also alleged that her ornaments were forcibly taken away and she was threatened with dire consequences and ouster from her matrimonial home. Subsequently, upon non-fulfilment of the alleged demands, the accused persons are stated to have refused



to take her back and further threatened to solemnize a second marriage of her husband. On the basis of the said allegations, the aforesaid Complaint Case was filed.

4. Upon perusal of the materials available on record and after recording the solemn affirmation of the complainant as well as the statements of the inquiry witnesses, the learned Magistrate, *prima facie*, found sufficient grounds to proceed in the matter and, accordingly, took cognizance of the offences under Sections 323, 504 and 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act against Vikash Kumar (husband of O.P. No.2), Ram Swaroop Gupta (petitioner no.1), and Rita Devi (petitioner no.2) *vide* the impugned order of cognizance dated 04.01.2017 and directed issuance of summons. Being aggrieved by the impugned order of cognizance petitioner nos.1 and 2 filed the present Criminal Miscellaneous Application to quash the same.

5. Learned counsel for the petitioners submits that the impugned order of cognizance is wholly illegal and has been passed without proper appreciation of the materials available on record. Learned counsel further submits that the petitioners, being the father-in-law and mother-in-law of the complainant (O.P. No.2), have been falsely implicated in the present case



with ulterior motive and that the allegations made in the complaint petition are general, omnibus and devoid of any specific overt act so as to attract the ingredients of the alleged offences. It is submitted that no *prima facie* case is made out against the petitioners and the continuation of the criminal proceeding would amount to abuse of the process of the Court. Learned counsel also submits that the parties have already entered into a compromise and a petition dated 23.05.2017 to that effect has been filed before the learned Magistrate, and as such, in view of the amicable settlement between the parties, the impugned order as well as the entire criminal proceeding are fit to be quashed.

6. Learned counsel for O.P. No.2 submits that the dispute between the parties has now been amicably settled and a compromise petition to that effect has already been filed before the learned Magistrate. Learned counsel further submits that pursuant to the said settlement, the O.P. No.2 and her husband are now living together peacefully with harmony and there is no subsisting grievance between them. In view of the aforesaid development, it is submitted that O.P. No.2 has no objection if the present criminal proceeding is quashed.

7. Learned APP for the State submits that in view of



the compromise between the parties, the appropriate order may be passed.

8. In the present case, upon careful examination of the complaint petition and the materials brought on record, it transpires that the allegations made against the present petitioners, who are the father-in-law and mother-in-law of the complainant, are largely general and omnibus in nature. Though allegations of demand of dowry and cruelty have been levelled, the complaint does not disclose any specific overt act or particular instance attributable to the petitioners so as to *prima facie* establish their direct involvement in the alleged offences. The statements recorded during inquiry also appear to be reiterative of the broad allegations made in the complaint without assigning any distinct role to the petitioners herein.

9. It further appears from the record that the dispute between the parties primarily arises out of matrimonial discord between the complainant (O.P. No.2) and her husband. The materials on record indicate that a compromise petition has also been filed between the parties before the learned Magistrate, suggesting that the matter is essentially private in nature. In such circumstances, continuation of the criminal proceeding against the present petitioners, in absence of specific allegations



and in view of the subsequent development of settlement, would amount to abuse of the process of the Court and is not warranted in the interest of justice.

10. Notably, it is a settled principle of law that although offences under Section 498A of the Indian Penal Code and other allied provisions are non-compoundable, the High Court, in exercise of its inherent powers under Section 482 of the Code of Criminal Procedure, can quash criminal proceedings where the dispute is essentially private in nature and emanates from matrimonial discord, and the parties have arrived at an amicable settlement. The scope of interference under section 482 of the Cr.P.C within the ambit of inherent power of the High Court is now well settled. The reference may be taken of the judgment of 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. Now it is well settled held that in matters predominantly bearing a civil or personal character, particularly matrimonial disputes, such inherent



powers may be invoked to secure the ends of justice and to prevent abuse of the process of the Court, provided that the compromise is *bona fide*, voluntary, and without any coercion. Nonetheless, such power must be exercised cautiously, having due regard to the nature, seriousness, and societal impact of the alleged offences.

11. 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.

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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.”

12. In view of the discussions made hereinabove and considering the nature of allegations as well as the materials available on record, this Court is of the considered opinion that it is not justified to continue the criminal proceeding against the petitioners. Allowing the proceeding to continue against them would amount to abuse of the process of the Court and would result in miscarriage of justice.

13. Accordingly, the impugned order dated 04.01.2017 passed in Complaint Case No. 523(C) of 2016 by the learned Sub-Divisional Judicial Magistrate, Munger, so far as it relates to the present petitioners, is hereby quashed and set aside.

14. Resultantly, the entire criminal proceeding arising therefrom *qua* the petitioners also stands quashed.

15. The present Criminal Miscellaneous Application, accordingly, stands allowed.

16. Let a copy of this order be communicated to the Court concerned forthwith for needful compliance.

(Sunil Dutta Mishra, J)

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