

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38727 of 2026

Arising Out of PS. Case No.-47 Year-2025 Thana- SALAIYA District- Aurangabad

Md. Raja Khan, Son of Jahangir Khan Resident of Village- Kukuraman PS-
Pratappur Distt -Chatra, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Naz Wife of Md. Raja Khan Resident of Village- Kukuraman PS-
Pratappur Distt -Chatra, Jharkhand At Present Daughter of Md. Hasnain
Khan, Resident of village- Basant, Ps- Salaiya, Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 17-06-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Salaiya P.S. Case No. 47 of 2025 for the offences punishable under Section 4 of the Muslim Women (Protection of Right of Marriage) Act.

3. As per the allegation made in the FIR, while the complainant was in her *naiher*, her husband along with other family members came and pronounced talak three times.

4. The petitioner is the husband and O.P. No. 2 is wife, who are governed by Muslim Law. The offence committed by the petitioner is allegedly under Section 4 of the Muslim Women (Protection of Right of Marriage) Act, 2019. The offence is not against the society, however, the protection has



been granted to those women, who are being divorced by '*Triple Talaa*'. Section 3 of the Act, 2019 provides that Mahr or other properties of Muslim woman to be given to her at the time of divorce. Section 4 of the Act provides for Punishment for pronouncing *talaq*. Section 7 of the Act provides for Offence to be cognizable, compoundable, etc.

5. It appears to me that learned District Court without applying its mind by not going through the object of the Act, in a mechanical manner, has passed the impugned order rejecting the bail application of the petitioner. Keeping in mind the very object of the Act, I am of the opinion that the parties first may settle their dispute outside the Court. Law in this regard is well settled by the Apex Court in the case of ***Rajendra Bhagat v. State of Jharkhand***, reported in (2022) 18 SCC 465, and I find that it is applicable in the present case also.

6. The Apex Court in the case of ***Rajendra Bhagat*** (*supra*) in paragraph no.9 has held 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 exposted 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.”

7. The petitioner has willingly desired to appear before the learned District Court on 01.07.2026, so that the matter can be referred to the District Mediation Centre.

8. Learned District Court is directed to take necessary steps to issue notices to the respective parties and upon their appearance, 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 2.0.

9. 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 one year, till then, no coercive action shall be taken against the petitioner in connection with the aforesaid case.

10. 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, 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.

11. In case of failure on the part of the petitioner to



appear on 01.07.2026 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.

12. 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.

13. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioner is directed to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

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

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

16. Let a copy of this order be communicated to the District Legal Services Authority/Patna High Court Mediation Centre for the purpose of record of nation for mediation 2.0.

(Purnendu Singh, J)

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