

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29176 of 2018

Arising Out of PS. Case No.-860 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rishikesh Kumar Singh S/o Ram Bilash Singh, R/o Vill.- Shyampur, P.S.- Khodabandpur, District- Begusarai. At present residing at Flat No.12, A Bing 3rd Floor, Kailash Dham, Building Gopal Nagar Lane No.1, Dombibali East , P.S.- Dombibali, District- Maharastra-400708.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minakshi Kumari @ Biuti W/o Rishikesh Kumari Singh, D/o Sri Umesh Prasad Chaudhary, At present residing at Mohallah Baikunthpuri, Aswarylok , P.S.- Ahiyapur, District- Muzaffarpur.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 26533 of 2018

Arising Out of PS. Case No.-860 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

- =====
1. Usha Singh wife of Ram Bilash Singh
 2. Ram Bilash Singh son of Late Gita Singh Both permanent resident of Village - Shyampur, P.S. Khodabandpur, District - Begusarai at present residing at Mohalla - Ambika Goshwami, Quarter No. 12 D 12 West Anandpuri, Boring Canal Road, P.O. S.K. Puri, P.S. Krishnapuri, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minakshi Kumari alias Beauty wife of Rishikesh Kumari Singh, Daughter of Sri Umesh Prasad Chaudhary At present residing at Mohalla Baikunthpuri, Aiswaryalok, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29176 of 2018)

For the Petitioner/s : Dr. Anand Kumar, Advocate
Ms. Kamyia Thakur, Advocate

For the State : Mr. Rajeev Nayan, APP

For the O.P. No. 2 : Mr. Jitendra Pd. Singh, Sr. Advocate

(In CRIMINAL MISCELLANEOUS No. 26533 of 2018)

For the Petitioner/s : Dr. Anand Kumar, Advocate
Ms. Kamyia Thakur, Advocate



For the State : Mr. Ram Naresh Ray, APP
For the O.P. No. 2 : Mr. Jitendra Pd. Singh, Sr. Advocate
Mr. Rajeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

- 6 19-02-2026 1. Since both the cases arise out of the same Complaint Case No.860 of 2017, pertain to the same occurrence, they are taken up together and the same are being disposed of by this common order.
2. Heard learned counsel for the petitioners, learned senior counsel for the O.P. No.2 as well as learned A.P.P. for the State in both the cases.
3. The present applications have been filed on behalf of the petitioners for quashing the order dated 29.06.2017 passed in Complaint Case No.860 of 2017 by the learned Sub-Divisional Judicial Magistrate, East Muzaffarpur (hereinafter referred to as 'Magistrate') wherein learned Magistrate took cognizance for the offences under Section 498A of the Indian Penal Code, 1860 and under Section 4 of the Dowry Prohibition Act, 1961 against the petitioners who are husband, father-in-law and mother-in-law of the O.P. No.2.
4. The present applications arise out of Complaint Case No. 860 of 2017 instituted by the complainant/O.P. No.2, Minakshi Kumari @ Buiti, before the learned Chief Judicial Magistrate, Muzaffarpur, alleging commission of offences



against her by her husband and in-laws. As per the complaint, marriage of O.P. No.2 with the petitioner, Rishikesh Kumar Singh, was solemnized on 29.01.2015 according to Hindu rites and customs at Muzaffarpur. It is alleged that at the time of marriage, substantial dowry articles including gold and silver ornaments, furniture and a sum of Rs. 12 lakhs in cash were given. The O.P. No.2 has alleged that prior to and after the *Bidai*, the husband (petitioner) and his family members demanded a vehicle and further insisted upon transfer of half share in her paternal house situated at Muzaffarpur. On account of non-fulfilment of the said demand, she was allegedly subjected to mental and physical cruelty at her matrimonial home and during her stay at Mumbai, where she was allegedly restrained from contacting her parental family and pressurized to bring additional dowry. It is further alleged that she was assaulted, abused, and ultimately ousted from her matrimonial home, and that even during her pregnancy she was pressurized for abortion. The complainant/O.P. No.2 also narrates subsequent incidents of alleged assault and abusive conduct, and asserts that neither her husband nor his family members (in-laws) visited her after the birth of her child on 04.12.2015. On the basis of the aforesaid allegations, the learned Magistrate



took cognizance against the accused persons (the petitioners herein), which order is under challenge in the present criminal miscellaneous petition.

5. During the pendency of the present applications, the subsequent development in this case is that both the parties (petitioner in Criminal Miscellaneous No.29176 of 2018 and O.P. No.2) have appeared before the learned Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No.536 of 2025 and have filed a joint compromise petition supported by their respective affidavits, stating that they have amicably resolved all their matrimonial disputes. It has been jointly stated that the marriage between the parties was solemnized on 29.01.2015 according to Hindu rites and ceremonies and that out of the wedlock one minor daughter, namely, Pragya Pihu, was born, who shall remain in the care and custody of the mother. The parties have further stated that they have been living separately since 25.04.2015 and, owing to irreconcilable differences, have decided to dissolve their marriage by mutual consent. In terms of the settlement, a sum of Rs.10,00,000/- has been agreed as one-time full and final settlement towards maintenance, permanent alimony and *stridhan*, out of which Rs.5,00,000/- has been paid through demand draft and the



remaining amount is to be paid at the time of second motion. It has also been agreed that both parties shall withdraw all pending cases filed against each other and their respective family members and shall cooperate in quashing the criminal proceedings. The parties have unequivocally stated that the compromise has been entered into voluntarily, without any force, fraud or coercion, and that no further claim of any nature shall survive between them.

6. Learned counsel for the petitioners submits that the entire criminal proceeding has arisen out of matrimonial discord between the husband (petitioner in Criminal Miscellaneous No.29176 of 2018) and wife (O.P. No.2) and that, during the pendency of the present applications, the parties have amicably resolved all their disputes by way of a written compromise. It is submitted that the parties have already filed a petition for dissolution of marriage by mutual consent and have agreed upon a full and final settlement amount of Rs.10,00,000/- towards maintenance, permanent alimony and *stridhan*, out of which Rs.5,00,000/- has been paid and the remaining amount is to be paid at the time of second motion. He further submitted that Learned Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No.536 of 2025 under Section 13B(1) of



Hindu Marriage Act allowed the first motion petition filed on behalf of parties *vide* order dated 12.11.2025, the copy whereof also filed on record. It is further submitted that in view of the settlement, the O.P. No.2 does not wish to pursue the criminal case and, therefore, continuation of the proceeding would be nothing but an abuse of the process of law. Learned counsel submits that since the dispute is purely personal and matrimonial in nature, this Court, in exercise of its inherent jurisdiction, may be pleased to quash the order taking cognizance and the entire criminal proceeding.

7. Learned senior counsel for the O.P. No.2 submits that the matter has been settled amicably between the parties without any force, fraud or coercion and that O.P. No.2 has voluntarily entered into the compromise. It is submitted that O.P. No.2 has received part of the settled amount and is satisfied with the terms of settlement. It is further submitted that the O.P. No.2 has no objection if the criminal proceeding, including the order of cognizance, is quashed in view of the compromise arrived at between the parties.

8. Learned A.P.P. for the State, while fairly submitting that the offences alleged arise out of matrimonial dispute, submits that since the matter has been settled between



the parties and further the complainant/O.P. No.2 herself does not intend to pursue the prosecution, this Court may pass appropriate orders in accordance with law, keeping in view the nature of allegations and the principles governing quashing of criminal proceedings on the basis of compromise.

9. 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 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act along with the principles guiding the scope thereto.

10. 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.

11. 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.”

12. 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)***

13. 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.....”

14. 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.”

15. In the present cases, the allegations levelled in the complaint arise out of matrimonial discord between the parties soon after their marriage. The dispute is essentially private and personal in nature, having no impact on society at large. The parties have been living separately since 25.04.2015 and have now amicably resolved their differences by entering into a comprehensive settlement, which includes dissolution of marriage by mutual consent and full and final financial settlement. The O.P. No.2 herself has intended and has unequivocally stated that she does not wish to proceed with the criminal case, as it is explicit from the joint statement of compromise in Matrimonial Case No.536 of 2025 filed before the learned Principal Judge, Family Court, Muzaffarpur. In such circumstances, this Court is satisfied that the compromise is genuine and voluntary and that the possibility of conviction, in view of the settlement, is remote and bleak. Continuation of the criminal proceeding would, therefore, serve no useful purpose and would only prolong the agony of the parties.

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 29.06.2017 taking cognizance for the offences under Section 498A of the Indian Penal Code, 1860 and under Section 4 of the Dowry Prohibition Act, 1961 passed by the learned Sub-Divisional Judicial Magistrate, East Muzaffarpur in Complaint Case No. 860 of 2017, as well as the entire criminal proceeding arising therefrom, are hereby quashed.

17. Accordingly, the present Criminal Miscellaneous applications stand allowed.

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

(Sunil Dutta Mishra, J)

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