

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58554 of 2025

Arising Out of PS. Case No.-13 Year-2014 Thana- MAHILA P.S. District- Madhubani

1. Kashi Nath Jha S/o Late Yadubanshi Jha Resident of village- B9 CISF Camp, P.S.- Indirapuram, Dist- Ghaziabad, Uttar Pradesh at present resident of Flat No. 710, Neelkanth Apartment, Kaushambi Sahibabad, Distt- Ghaziabad, U.P. PIN- 201010
2. Bachhi Devi @ Bachhi Jha W/o Kashi Nath Jha Resident of village- B9 CISF Camp, P.S.- Indirapuram, Dist- Ghaziabad, Uttar Pradesh at present resident of Flat No. 710, Neelkanth Apartment, Kaushambi Sahibabad, Distt- Ghaziabad, U.P. PIN- 201010
3. Durga Nand Jha S/o Kashi Nath Jha Resident of village- B9 CISF Camp, P.S.- Indirapuram, Dist- Ghaziabad, Uttar Pradesh at present resident of Flat No. 710, Neelkanth Apartment, Kaushambi Sahibabad, Distt- Ghaziabad, U.P. PIN- 201010

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Radha Jha W/o Durga Nand Jha, D/o Indra Kant Jha Resident of village- B9 CISF Camp, P.S.- Indirapuram, Dist- Ghaziabad, Uttar Pradesh at present resident of Flat No. 710, Neelkanth Apartment, Kaushambi Sahibabad, Distt- Ghaziabad, U.P. PIN- 201010

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 19-01-2026

Heard learned counsel for the petitioners and the learned
APP appearing on behalf of the State.

2. The petitioners have preferred this application to quash the entire proceedings pending in connection with Madhubani Mahila P.S. Case No. 13 of 2014 dated 10.02.2014, GR No. 391/2014, TR No. 4045/2015, registered for the offences under Sections 498-A, 341, 323, 504 and 34 of the Indian Penal



Code and Section 3/4 of the Dowry Prohibition Act in the court of the learned Sub-Divisional Judicial Magistrate, Madhubani.

3. The facts giving rise to the present application is to the effect that the O.P. No. 2 filed a case before Madhubani Mahila Police Station alleging that she was married to petitioner no. 3, Durga Nand Jha on 17.06.2010. It has been alleged that initially the informant was kept well by her in-laws and her husband thereafter her in-laws and her husband started torturing her for non-fulfillment of dowry. It has further been alleged that petitioner no. 3, her husband left her at her village and since then she has been residing with her mother.

4. Learned counsel for the petitioners submit that the petitioners are father-in-law, mother-in-law and the husband of O.P. No. 2. It has been submitted that after investigation the police had submitted charge sheet against the petitioners for offences under Sections 498A and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. It has been submitted that in the year 2017, the parties have entered into the compromise and the petitioners were granted bail and the O.P. No. 2 and the petitioner no. 3 re-started their conjugal life.

5. It has been submitted that the petitioners earlier moved for quashing of the FIR bearing Madhubani Mahila P.S.



Case No. 13 of 2014 by filing Cr. Misc. No. 20668 of 2015 but the same stood dismissed by order dated 23.06.2015 and thereafter the petitioners again moved for quashing of the order taking cognizance but the same was also withdrawn to raise the issues at an appropriate stage.

6. Learned counsel for the petitioners referring to the compromise petition, which has been brought as Annexure-P5, has stated that the petitioner no. 3 and the informant/O.P. No. 2 are living happily in Delhi and have three children. It has also been submitted that the deposition of the O.P. No. 2 was recorded in the trial on 30.07.2018, wherein she has categorically stated that she is residing with her husband and she is not willing to contest the case and she will not produce any further evidence in this case but despite the compromise and the said evidence on record the proceeding of the case before the learned Trial Court is still proceeding which amounts to an abuse of the process of law. Learned counsel for the petitioners has pointed out that petitioner no. 1 is a retired personnel from CISF, while petitioner no. 3 is an employee in National Human Rights Commission in Delhi.

7. It has been contended by the learned counsel for the petitioners that in view of the present situation where the parties have resolved their differences by filing a compromise petition



indicating therein that due to interference of well-wishers an amicable settlement has been reached between the parties and the informant has been residing and living a happy life with her husband and children for the last eight years, the continuation of the criminal proceedings against the petitioners is nothing but an abuse of the process of law and no useful purpose will be served to continue with the same.

8. Learned counsel appearing on behalf of the O.P. No. 2 does not dispute the submissions made by the learned counsel for the petitioners and submits that the petitioner no. 3 and the O.P. No. 2 are living happily as husband and wife along with their three children. It has also been submitted that the O.P. No. 2 is not interested in pursuing the criminal proceedings and from the perusal of the entire order-sheet, it would be evident that even the informant/O.P. No. 2 has not been appearing before the learned Trial Court, however, the learned Trial Court has continued on with the said proceedings and has, in fact, recently even cancelled the bail-bonds of the petitioners and has issued non-bailable warrant of arrest. However, the O.P. No. 2 does not oppose the present application of the petitioners filed before this Court for quashing the entire proceedings.



9. Having heard the learned counsel for the petitioners, learned counsel for the O.P. No. 2 as well as learned APP for the State, this Court is reminded of the various judicial pronouncements made by the Hon'ble Supreme Court and one passed in the case of *Narinder Singh and Ors. vs. State of Punjab and Anr* reported in (2014) 6 SCC 466, wherein the Hon'ble Supreme Court has given the guidelines and laid down the principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Cr.P.C., while accepting the settlement and quashing the proceedings all in the alternative refusing to accept the settlement which direction to continue with the criminal proceedings. The Hon'ble Supreme Court further elaborated that when the parties have reached the settlement and on that basis petition for quashing the criminal proceeding is filed, the guiding factor in such cases would be to secure:

(I) ends of justice,

(II) to prevent abuse of the process of any court.

10. The Hon'ble Supreme Court in paragraph 29.4 observed as under:

“29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of



commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”

11. The Hon’ble Supreme Court in a recent case of ***Mange Ram and Ors. vs. State of Madhya Pradesh and Anr. (2025 INSC 962)***, after referring to the earlier judgments on the issues of family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord has further laid down that continuation of criminal proceedings in a case where the parties have entered into compromise, even if the case is of non-compoundable offences, especially in matters of matrimony, it would only be an exercise in futility and the justice demands that the dispute between the parties is put to an end and peace is restored.

12. In the case of ***Gian Singh vs. State of Punjab*** reported in ***(2012) 10 SCC 303***, the Hon’ble Supreme Court has held that the High Court invoking its 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 if the criminal proceedings are not quashed, justice shall be casualty and ends of justice shall be defeated.

13. It is relevant to point out here that in the present case the informant/O.P. No. 2, during her deposition has categorically



stated that she is residing with her husband and she does not wish to contest the present case.

14. The Hon'ble Supreme Court in the case of *Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr.* reported in (2025) 4 SCC 78 has observed that in a case where the parties have amicably settled their dispute the proceeding with the trial would be futile and it would be a grave abuse of process of law if the proceedings are not quashed.

15. In view of the aforesaid facts and circumstances of the case and taking into account the submissions made on behalf of the parties, this Court is of the considered view that in the event of restitution of conjugal rights between the parties, after a compromise having been entered between them, the continuation of criminal proceedings would serve no purpose especially for the fact that the result of the trial is a foregone conclusion and there is no dispute between the parties alive.

16. Accordingly, this Court in order to bring quietus to the personal dispute between the parties, as they have settled amongst themselves, this Court invoking the inherent jurisdiction under Section 482 of the Cr.P.C. is of the opinion that continuation of the criminal proceeding would amount to abuse of the process of the court and, therefore, the entire proceedings arising out of



Madhubani Mahila P.S. Case No. 13 of 2014 dated 10.02.2014,
GR No. 391/2014, TR No. 4045/2015 is, hereby, quashed as
against the petitioners.

17. The application stands allowed.

(Sourendra Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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