

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27980 of 2018**

Arising Out of PS. Case No.-214 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Vikash Kumar son of Maheshwar Ram
 2. Pushpa Kumari D/o Maheshwar Ram
 3. Maheshwar Ram S/o Ayodhya Das
 4. Gujiya Devi wife of Maheshwar Ram
 5. Vindu Devi @ Vindu Kumari wife of Vikash Kumar All residents of Village - Gwalpara, P.S. Rupauli, District Purnia.
 6. Shiv Shankar Das S/o Late Jagdish Das Resident of Village - Tintanga, P.O. - Nawgachhiya, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari D/o Kusheshwar Mochi resident of Village Rahua, P.S. Sahebpur Kamal, District - Begusarai at present Quarter No. F 2178, Sector No. 2, Bokaro Steel City, P.S. - Sector - 12, District - Bokaro Jharkhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar No-1, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No. 2	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

9 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 22.07.2015 passed by the learned S.D.J.M.,



Begusarai (hereinafter referred to as 'Magistrate') in Complaint Case No. 214 of 2015 wherein learned Magistrate took cognizance of the offence under Section 498A of the Indian Penal Code, 1860 against the accused persons including the petitioners.

3. As per the complainant/O.P. No. 2, the marriage of O.P. No.2 was solemnized with co-accused Onkar Krishna, on 14.01.2010 in accordance with Hindu rites and rituals. At the time of marriage, Rs.70,000/- cash was given to husband of O.P. No.2. After marriage, she went to her matrimonial home and from her wedlock, a female child was born on 10.01.2012. It is alleged that after some time of marriage, all the accused persons started demanding Rs. 2 lakh from the complainant and due to non-fulfillment of the same, she was subjected to torture. It has been further alleged a Panchayati was also held on 07.01.2015 but the accused persons have not changed their attitude and they refused to return the items given to husband at the time of marriage. Accordingly, complaint was filed, after inquiring under Section 202 of the Cr.P.C. on the basis of averments in complaint, S.A. of complainant and evidence of inquiry witnesses, the cognizance under Section 498A of I.P.C. was taken on 22.07.2015 against all the accused persons named in



the complaint and accordingly, process were issued against them. As per the report dated 18.9.2025 of learned Trial Court, the case is fixed for charge.

4. During the pendency of the present application, the subsequent development in this case is that complainant/O.P. No. 2 and her husband have compromised the said case and amicably resolved all their matrimonial disputes through the process of mediation, under the terms of the agreement dated 22.09.2025 made between them and they resumed 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.

5. Learned counsel appearing on behalf of the petitioners submits that the dispute, which was purely matrimonial in nature, has already been amicably resolved between the husband and O.P. No. 2 through the process of mediation, under the terms of the memorandum of agreement dated 22.09.2025 made between them before Patna High Court Mediation Centre. It is further submitted that in view of the said compromise 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 against the petitioners, who are in-laws of the O.P. No. 2, be quashed in the interest of justice.

6. Learned counsel for O.P. No. 2 submits that in view of the compromise entered into between the husband and wife, 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 has already been amicably resolved between the parties. 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 husband and wife through the process of mediation, 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 O.P. No. 2 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 of the Indian



Penal Code along with the principles guiding the scope thereto.

9. It is well settled that although offences under Section 498A of the Indian Penal Code is 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.

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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.”

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 O.P. No. 2 and her husband, namely, Krishna. The allegations in the F.I.R. relate to demand of dowry and alleged acts of torture said to have been committed after the marriage. It further transpires from the



record that during the pendency of the case, the husband and wife entered into an amicable settlement.

15. Further, it is also not in dispute that 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. 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.

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 22.07.2015 taking cognizance for the offence under Section 498A of the Indian Penal Code, 1860 passed by the learned S.D.J.M., Begusarai (hereinafter referred to as 'Magistrate') in Complaint Case No. 214 of 2015 as well as the entire criminal proceeding arising therefrom, *qua* the petitioners, 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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