

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67860 of 2023

Arising Out of PS. Case No.-59 Year-2021 Thana- MAHILA P.S. District- Rohtas

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1. Ram Janam Prasad Son Of Shivan Ram Resident Of Patel Gali New Area Dehri On Sone Ps Dehri District Rohtas
 2. Ram Dulari Devi W/O Ram Janam Prasad Resident Of Patel Gali New Area Dehri On Sone Ps Dehri District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Kumari Babita W/o Abhishek Kumar R/o Mohalla - Kohinur Medical New Area near Sabji Mandi, ward no. 18, P.S. - Dehri, Distt. - Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shadwal Harsh, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, A.P.P
For the O.P. No. 2	:	Mr. Raghunandan Kumar Singh, Advocate
		Mr. Harendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 03-02-2026

Heard Mr. Shadwal Harsh, the learned counsel for the petitioner, Mr. Ram Priya Sharan Singh, the learned A.P.P. for the State and Mr. Raghunandan Kumar Singh, the learned counsel appearing for the Opposite Party No. 2.

2. This is an application for quashing the order dated 18.08.2023 passed by the learned Judicial Magistrate 1st Class, Sasaram, Rohtas in GR No. 311 of 2022 arising out of Mahila P.S. Case no. 59 of 2021 of District Rohtas whereby the learned court below has rejected the discharge application filed by the petitioners under Section 239 of the Cr.P.C.



3. The petitioners before this Court are the father-in-law and mother-in-law being over 70 years of age.

4. The background of this case also as pointed out by the learned counsel for the petitioners suggests that a compromise had been reached between the opposite party No. 2 and her husband and in pursuance of the same an application under Section 13 B of the Hindu Marriage Act, 1955 was also filed before the family court Rohtas, Sasaram. However, after filing of the said application, the husband of the opposite party no. 2 had died.

5. The learned counsel appearing for the opposite Party No. 2 also does not have any objection if the order under challenge by which the discharge application filed by the petitioners was rejected, is quashed, only if the O.P. No. 2, now a widow, is not ousted and is allowed to remain in the house peacefully.

6. In view of the several judicial pronouncements to the effect that in case of compromise in non-compoundable offences also, the power under Section 482 of Cr.P.C. ought to be exercised for quashing of prosecution where the parties have settled the matter and the complainant does not want to pursue the case any further.



7. In a very recent case of ***Mange Ram Vs. State of Madhya Pradesh and Anr. [2025 INSC 962]***, the Hon'ble Supreme Court after discussing the earlier judgments on the issue of family members of the husband being unnecessarily roped into criminal proceedings in matrimonial discord, has laid down that continuation of criminal proceedings, in the event of a compromise between parties even in case of non-compoundable offences, especially in matters of matrimony, would only be an exercise in futility and justice demands that the dispute between the parties is put to an end and peace is restored.

8. Such observation has been made with specific reference to offence arising out of matrimonial dispute particularly relating to dowry etc., or a family dispute where the wrong is committed with the offender and the victim have settled dispute between them.

9. In the case of ***Gian Singh Vs. State of Punjab*** reported in ***(2012) 10 SCC 303***, it had been held by the Hon'ble Supreme Court that High Court within the framework of 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 by not quashing



criminal proceedings, justice shall itself be a casualty and ends of justice shall be defeated.

10. In the case of *Naushey Ali vs. State of U.P.*, reported in **(2025) 4 SCC 78**, there is clear-cut observation by the Hon'ble Supreme Court that when the parties have amicably resolved the dispute, proceeding with the trial 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.

11. Taking into consideration the entire facts and circumstances of the case and the submissions made on behalf of the parties, this Court is of the considered view that in the backdrop of resolution of dispute between the parties, the continuation of criminal proceedings against the family members of the husband of the complainant/opposite party no.2, especially, in absence of any specific allegations, would serve no legitimate purpose as has been held in the case of *Mange Ram (supra)*, it would only prolong bitterness between the parties and unnecessarily burden the justice system, especially when the disputes are no longer live.

12. Accordingly, considering it to be the duty of this Court to bring quietus to personal disputes that have already



been settled between the parties, this Court would consider the continuation of the criminal proceedings as abuse of the process of the Court. Consequently, the impugned order dated 18.08.2023 passed by the learned Judicial Magistrate-1st Class, Sasaram, Rohtas in connection with GR No. 311 of 2022 arising out of Mahila P.S. Case No. 59 of 2021 is quashed.

13. It is, however, expected that on account of an earlier understanding between the parties, the petitioners would not oust the opposite party no. 2 from her matrimonial house.

14. With such observations, the present application stands allowed.

(Soni Shrivastava, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2026
Transmission Date	NA

