

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70755 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- NAUHATTA District- Saharsa

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1. Md. Naushad S/O Md. Sobarati R/O Vill.- Nauhatta, Ward No.- 12, P.s- Nauhatta, Dist- Saharsa
 2. Buchchi Khatoon W/O Md. Sobarati R/O Vill.- Nauhatta, Ward No.- 12, P.s- Nauhatta, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sama Khatoon D/O Md Tajmul Nadaf R/O Village nauhatta P.S. nauhatta ward No. 02 District Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Advocate.
For the Opposite Party/s	:	Mr.Binod Kumar, APP.
For the O.P. No.2	:	Mr. Satyam Anand, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-02-2026 Heard learned counsel appearing on behalf of the petitioners, learned APP for the State and learned counsel for the O. P. No.2.

2. The petitioners seek pre-arrest bail in connection with Nauhatta P.S. Case No. 140 of 2025 for the offences punishable under Sections 126(2), 115, 76, 110, 352, 351(2) and 3(5) of the BNS and Sections 3/4 of the D.P. Act.

3. The allegation is of subjecting the O.P. No.2 to various sorts of torture and cruelty for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioner no.1 and petitioner no.2 are husband and mother-in-law of the O.P. No.2 respectively and the allegation levelled against them is false and concocted. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties can be allowed to ponder to reconcile their dispute outside the court. He submitted that the matter be referred for mediation.

5. Learned counsel appearing on behalf of the O.P. No.2 and learned APP for the State jointly submitted that opportunity shall be given to the parties to reconcile their dispute amicably.

6. The petitioners' counsel also informs that he has received instruction that the petitioners also want to reconcile the dispute by way of mediation.

7. The parties have agreed to appear before the learned District Court at 10:30 A.M. on 17.03.2026 for resolving the dispute by way of mediation.

8. It is commonly seen in the society that the entire family members, as well as, relatives are made accused along with the husband to face criminal prosecution. The Apex Court has demarcated the manner in which the complaints are



entertained by the learned District Court.

9. The law in respect of matrimonial dispute between husband and wife is well settled, at the same time, the Apex Court has held that the family members of husband should not be roped unnecessarily and face vexatious criminal trial.

10. From perusal of the F.I.R., it is evident that petitioner no.2 is the mother-in-law of the opposite party no.2 and there is specific allegation against her that she had subjected the opposite party no.2 to various sorts of torture, but at the same time, she is ready to resolve the dispute along with other family members to buy peace of mind. This Court finds that the matrimonial dispute is not an offense against the society rather a matrimonial dispute is a private conflict between spouses and does not inherently constitute an offence against society, as has been held by the Apex Court in the case of ***B.S. Joshi v. State of Haryana***, reported in, ***(2003) 4 SCC 675***, in paragraph nos. 12 and 13 which is 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.

*13. The observations made by this Court, though in a slightly different context, in **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.

11. Recently also, the Apex Court in the case of ***Mange Ram Vs. State of Madhya Pradesh & Another (Special Leave Petition (Criminal) No.10817 of 2024)***, in paragraph nos. 25 and 31 has reiterated that in cases, particularly, related to dowry, opportunity be given to the parties first to reconcile, which *inter alia* are as follows:-

“25. This Court, in Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband’s family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.



31. We also refer to Gian Singh vs. State of Punjab, (2012) 10 SCC 303 wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR 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 the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

12. The parties have willingly desired to appear before the learned District Court on or before 17.03.2026, so that the matter can be referred to the District Mediation Centre.

13. Learned District Court is directed to take necessary steps to 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 for the Nation 2.0”.

14. 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 three months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.

15. 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 as referred hereinabove, the petitioners are required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

16. In case of failure on the part of the petitioners to appear on 17.03.2026 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

17. In case, it is deliberate on the part of the informant to reconcile, then in that case, the interim protection granted to the petitioners shall continue and the trial shall proceed in accordance with law.

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



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

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

21. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

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