

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89143 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- COMPLAINT CASE-ARWAL District-
Arwal

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Gaurav Kumar S/o Sanjay Sharma R/o- Mitra Manda Colony, Kaliket Nagar,
P.S.- Phulwari Sharif (Janipur), District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari W/o not given Permanent resident of Nadwan, P.S.-
Nadwan, District- Patna, presently residing at Magadh Colony, Maya Sadan,
P.S.- Beur, District- Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate.
For the Opposite Party/s : Mr.Parmanand Prasad, APP.
For O.P. No.2 : Mr. Mukesh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 09-04-2026 Heard learned counsel appearing on behalf of the

petitioner, learned APP for the State and learned counsel for the

O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 216/2024 for the offences punishable
under Sections 323, 498A and 403/34 of the Indian Penal Code.

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



petitioner submitted that the petitioner is the husband of the O.P. No.2 and the allegation levelled against him 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.

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

6. The petitioner's counsel also informs that he has received instruction that the petitioner also wants 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 or before 27.04.2026 for resolving the dispute by way of mediation.

8. Heard the parties.

9. 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 *Rajendra Bhagat v. State of*



Jharkhand, reported in ***(2022) 18 SCC 465*** in paragraph no.9

which is as under:-

“9. Taking note of the object of Section 498-AIPC, the expected approach of the High Court in the event of bona fide settlement of disputes had been duly exposted by this Court in B.S. Joshi v. State of Haryana [B.S. Joshi v. State of Haryana, (2003) 4 SCC 675 : 2003 SCC (Cri) 848] , wherein this Court has underscored the duty of the Court to encourage the genuine settlement of matrimonial disputes and said as under : (SCC pp. 682-83, paras 12-16)

“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 [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.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to



punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Penal Code, 1860.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

16. For the foregoing reasons, we set aside the impugned judgment and allow the appeal and quash the FIR abovementioned.””

10. The parties have willingly desired to appear before the learned District Court on or before 27.04.2026, so that the matter can be referred to the District Mediation Centre.

11. 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”.

12. 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 petitioner in connection with the



aforesaid case.

13. 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 petitioner is required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

14. In case of failure on the part of the petitioner to appear on 27.04.2026 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioner shall automatically lose its force.

15. In case, it is deliberate on the part of the O.P. No.2 to reconcile, then in that case, the interim protection granted to the petitioner shall continue and the trial shall proceed in accordance with law.

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

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

18. With aforesaid direction and observation, the



present application stands disposed of.

19. 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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