IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51269 of 2016

Arising Out of PS. Case No.-215 Year-2015 Thana- RAJIVNAGAR District- Patna

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Ajeet Choubey @ Ajeet Kumar Choubey, Son of Kamta Choudhary, Resident of Mohalla-Gajrar, Street No. 8B, Gaurakshini, P.S.-Sasaram T, District-Rohtas

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Hem Kiran, D/o Dina Nath Tiway, Resident of Mohalla- Ram Nagari, Sector-V, Ashiyana, P.S.-Rajiv Nagar, District-Patna

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Adv. Mr. Ajay Kumar Tiwari, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP
For the O.P. No. 2	:	Mr. Pranav Kumar, Adv. Mr. Rajeev Ranjan No. II, Adv.

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
C.A.V. JUDGMENT
Date : 07-08-2026

The instant application has been preferred by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 *(in short the **Cr.P.C.**)*, being aggrieved by the order dated 18.08.2016 passed by the learned Sub-Divisional Judicial Magistrate, Patna *(in short the **SDJM, Patna**)*, whereby cognizance has been taken against the petitioner of the offences punishable under Section 498A of the Indian Penal Code *(in short the **IPC**)* and Sections 3 & 4 of the Dowry Prohibition Act, 1961 *(in short the **D.P. Act**)* in connection with Rajiv Nagar P.S. Case No. 215 of 2015, corresponding to G.R. No. 5773 of 2015.

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2. The prosecution case, as emerging from the written report of the informant, is that the marriage between the informant and the petitioner was solemnized on 28.11.2012 according to the Hindu religious rites and customs. It is alleged that immediately after the marriage, when the informant reached her matrimonial home, the petitioner and his family members started subjecting her to cruelty and harassment on account of non-fulfillment of demand for dowry, specifically a sum of Rs. 5,00,000/- for the purchase of a car. It is further alleged that the informant was sent back to her parental home on 04.12.2012 and although before 04.12.2012, the informant's father had paid huge amount of money many times (within five days of the marriage). Putting his best efforts the informant's father arranged Rs. 5,00,000/- which was handed over to the husband.

3. The prosecution further alleges that, after some time, the petitioner took the informant to Rewa (Madhya Pradesh), where he continued to treat her with cruelty and humiliation. It is also alleged that the petitioner was a man of low moral virtue, maintained relationships with several women and frequently remained in contact with them over telephone.

4. On the basis of the aforesaid allegations, the present F.I.R. came to be registered against the petitioner for the

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offences punishable under Section 498A of the IPC and Sections 3 & 4 of the D.P. Act.

5. Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the petitioner as well as Mr. Pranav Kumar, learned counsel appearing on behalf of the complainant/O.P. No. 2, before arguing the case, at hand, on merits, jointly submit that the parties have amicably resolved their matrimonial dispute and have dissolved their marriage under a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 in connection with Matrimonial Case No. 1327 of 2019 passed by the learned Principal Judge, Family Court, Patna. At this juncture, it would be apt to quote the relevant paragraph of the application which was jointly filed by both the parties before the Court of the learned Principal Judge, Family Court, Patna under Section 13-B of the Hindu Marriage Act, praying for decree of divorce by mutual consent between parties, wherein they have resolved to put an end to all sorts of litigation between them :-

> *"8. That, in order to resolve all the disputes peacefully and amicably between the parties, a meeting with family friends and relations of both the parties has taken place in which it has been agreed between the parties, which runs as, follows.*
>
> *(I) That, petitioner shall pay Rs. 25 Lakhs (Twenty Five Lakhs) as full and final alimony to the opposite party and thereafter opposite party shall not be entitled to any claim against the petitioner, in future*

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in any manner before any court of law, on any ground.

(II) That, opposite party shall ensure that, in the meantime all the cases filed by her, against the petitioner, shall be completely withdraw after grant of decree of divorce on mutual consent and receiving the aforesaid amount of alimony and petitioner shall withdraw the said Criminal Misc. No. 51269/2016 pending before Hon'ble High Court, Patna."

6. It is further submitted that the matter was referred to mediation by this Hon'ble Court *vide* order dated 28.07.2025 passed in the present application. Pursuant thereto, the parties appeared before the Mediation and Conciliation Centre of the Patna High Court. The Mediation report, submitted in Special Mediation Case No. 345 of 2025 dated 24.09.2025, reveals that the dispute between the parties has amicably been resolved.

7. In view of the aforesaid amicable settlement between the parties, pursuant to successful mediation and consequent dissolution of marriage, now no dispute survives between the parties. Therefore, the continuation of the criminal proceedings arising out of the aforesaid police case, would serve no useful purpose and would amount to an abuse of the process of the Court.

8. It is, thus, submitted that the impugned order taking cognizance as well as the entire criminal proceedings arising out of Rajiv Nagar P.S. Case No. 215 of 2015, corresponding to G.R. No. 5773 of 2015, is fit to be quashed in exercise of the

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inherent jurisdiction of this Hon'ble Court under Section 482 of the Cr.P.C.

9. Learned Additional Public Prosecutor appearing on behalf of the State and learned counsel for O.P. No. 2 upon perusal of the Mediation report and the decree of divorce by mutual consent between the parties, did not raise any objection to the prayer so made on behalf of the petitioner seeking quashing of the impugned order of cognizance and the consequential criminal proceedings.

10. The Court having considered the afore-noted facts, is of the view that the offences under section 498A of IPC and section 3 & 4 of D.P Act are non-compoundable but in the backdrop of the amicable resolution of dispute between the parties, which is primarily matrimonial in nature, could in exercise of its power under Section 482 Cr.P.C., can compound offences which are non-compoundable in the light of judicial pronouncements of the Hon’ble Supreme Court.

11. In the case of ***Narinder Singh & Ors. Vs. State of Punjab & Ors.*** reported in ***(2014) 6 SCC 466,*** the Hon’ble Supreme Court, while accepting settlement deed between the parties and quashing the proceedings, laid down guidelines for High Courts and observed as follows:-

“29. In view of the aforesaid

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discussion, we sum up and lay down the following 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 Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1 Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution".

12. In ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, the Hon'ble Supreme 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 of 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 matrimonial dispute, particularly relating to dowry, etc. or a family dispute, where the wrong is basically done to the victim, but the offender and the victim have settled all the disputes between them amicably,

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irrespective of the fact that such offences have not been made compoundable.

13. Furthermore recently in the case of ***Naushey Ali vs. State of U.P.***, reported in ***(2025) 4 SCC 78***, the Hon'ble Supreme Court observed in paragraph 32 as hereunder:-

> *"32. 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. In the conspectus of factual aspect of the case at hand, where amicable settlement has been arrived at between the parties and pursuant thereto a decree of divorce has already been granted by the learned Family Court on the basis of mutual consent of the parties, this Court is of the considered opinion that the settlement so arrived at between the parties be given effect to by quashing the criminal proceeding and as such the present case is a fit one for exercising its inherent jurisdiction under Section 482 of Cr.P.C. No useful purpose would be served by keeping the present criminal dispute alive as the continuance of the same would amount to abuse of the process of the Court.

15. Thus, the order impugned taking cognizance of offences under Section 498(A) IPC and Sections 3 & 4 of the

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D.P Act passed by the learned S.D.J.M, Patna in connection with Rajiv Nagar P.S. Case No. 215 of 2015, corresponding to G.R. No. 5773 of 2015, and all other proceedings emanating therefrom are, hereby, quashed and set aside.

16. The parties shall abide by the terms of the settlement so arrived between them.

17. Accordingly the petition is allowed in the aforesaid terms.

18. The interlocutory application(s), if any, also stands disposed off accordingly.

(Rana Vikram Singh, J)

Supratim/-

AFR/NAFR	AFR
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