IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31199 of 2019

CNR No. BRHC010463642019

Arising Out of PS. Case No.-24 Year-2018 Thana- MAHILA P.S. District- Madhepura

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1. MD. USMAN Son of Md. Khurshid Resident of Village - Sahugarh Janki Tola, P.S.- Madhepura, Dist.- Madhepura.
2. Shaba Khatoon @ Shema Khatoon W/o Md. Khurshid Resident of Village - Sahugarh Janki Tola, P.S.- Madhepura, Dist.- Madhepura.
3. Najiya Khatoon W/o Md. Yunus Resident of Village - Sahugarh Janki Tola, P.S.- Madhepura, Dist.- Madhepura.
4. Md. Israfil Son of Md. Khurshid Resident of Village - Sahugarh Janki Tola, P.S.- Madhepura, Dist.- Madhepura.
5. Md. Rahman Son of Md. Alam Resident of Village - Sahugarh Janki Tola, P.S.- Madhepura, Dist.- Madhepura.

... ... Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jahana khatoon Wife of Md. Ramjan Resident of Village - Sahugarh Janki Tola, Ward no.2, P.S.- Madhepura, Dist.- Madhepura.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 27-10-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present application has been filed for quashing the order dated 11.03.2019 passed by the learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Mahila P.S. Case No. 24 of 2018, corresponding to CIS/G.R.

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No. 812 of 2018, whereby cognizance has been taken against the petitioners for the offences punishable under Sections 376, 504/34 of the Indian Penal Code and Sections ¾ of the Dowry Prohibition Act.

2. The prosecution case, in brief, is that the marriage of the informant, Jahanara Khatoon, with petitioner no. 1, Md. Rizwan, was settled with the consent of their respective parents. It is alleged that petitioner no. 1 used to visit the informant's house and establish physical relations with her on the pretext of the proposed marriage. It is further alleged that on 02.05.2018, petitioner no. 1 committed rape upon the informant with the assistance of Mehrun Khatoon. Subsequently, when the informant's mother approached the family of the accused persons for solemnisation of the marriage, the accused persons allegedly refused to perform the marriage, assaulted her and demanded Rs. 2,00,000/- as dowry. A panchayati was also convened on 05.05.2018, but the matter could not be resolved. On the basis of the written report of the informant, the aforesaid police case was registered and investigation commenced.

3. Learned counsel for the petitioners submits that the

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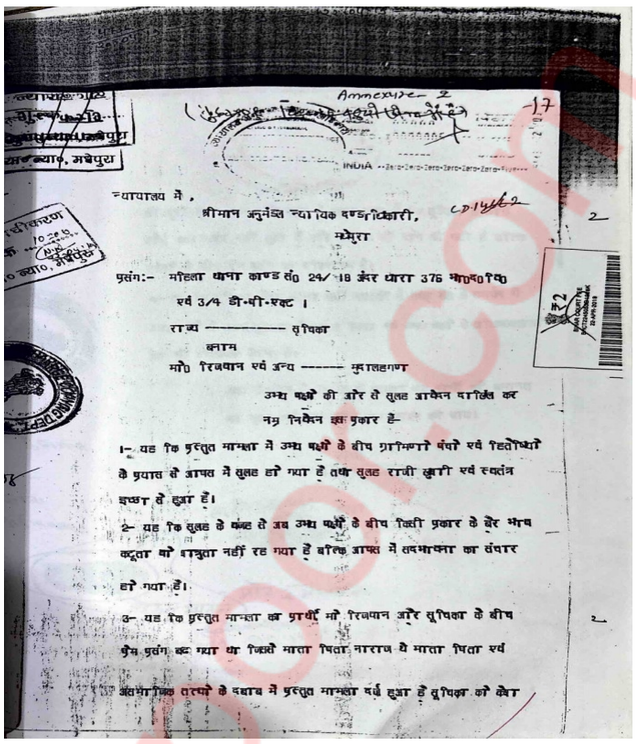
petitioners are innocent and have been falsely implicated in the present case. It is further submitted that, upon completion of the investigation, the police submitted final form bearing No. 5 of 2019 dated 03.02.2019, describing the allegations against the petitioners as untrue. However, the learned court below proceeded to take cognizance without properly considering the materials available on the record.

4. It is also submitted that the dispute between the informant and petitioner no. 1 has subsequently been settled amicably outside the Court. In this regard, the informant has filed a compromise petition before the learned court below, seeking permission to withdraw the case on the ground that the matter has been compromised between the parties. Learned counsel, therefore, submits that, in view of the final form submitted by the police and the subsequent settlement between the parties, continuation of the criminal proceedings would serve no useful purpose.

5. Upon perusal of the compromise petition dated *22.10.2018,* filed by the informant before the learned court below, this Court finds that the parties have stated that the dispute between them has been amicably settled and that they

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do not wish to pursue the matter further.



Annexure- 2

न्यायालय में ,
श्रीमान अनुमंडल न्यायिक दण्डाधिकारी,
मधेपुरा

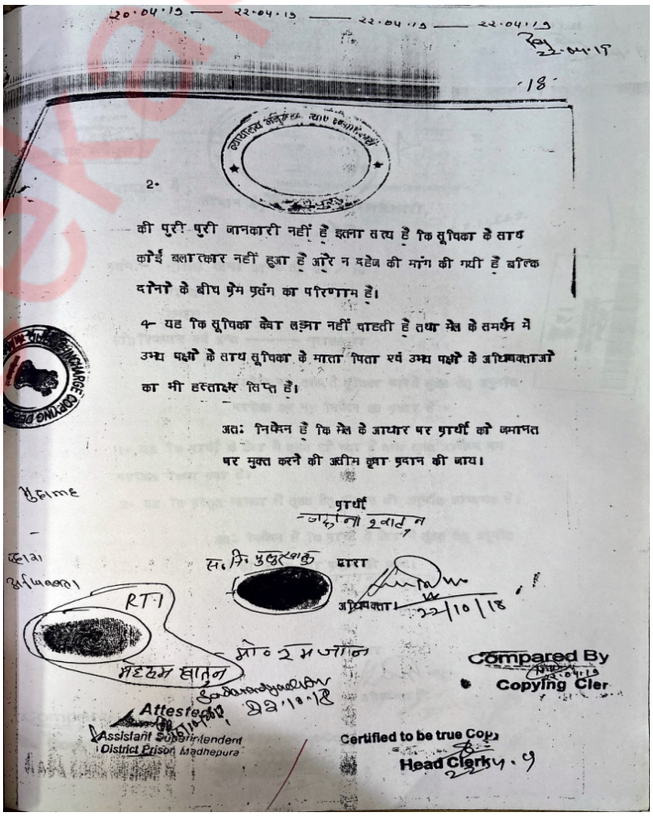
प्रसंग:- महिला थाना काण्ड सं0 24/18 अंतर धारा 376 भा0द0वि0 एवं 3/4 डी-पी-एक्ट ।
राज्य ———— सूचिका
बनाम
मो0 रिजवान एवं अन्य ——— कुसलहगण

उभय पक्षों की ओर से संयुक्त आवेदन दाखिल कर नम्र निवेदन इस प्रकार है-

1- यह कि प्रस्तुत मामला में उभय पक्षों के बीच ग्रामिणों पंचों एवं हितैषियों के प्रयास से आपस में सुलह हो गया है तथा सुलह राजी खुशी एवं स्वतंत्र रूपसे हुआ है।

2- यह कि सुलह के बाद से अब उभय पक्षों के बीच किसी प्रकार के वैर भाव कटुता को बाकुया नहीं रह गया है बल्कि आपस में सदभावना का संचार हो गया है।

3- यह कि प्रस्तुत मामला का प्रार्थी मो रिजवान और सूचिका के बीच प्रेम प्रसंग हुआ था जिसे माता पिता नाराज थे माता पिता एवं अन्य सामाजिक तत्वों के दबाव में प्रस्तुत मामला दर्ज हुआ है सूचिका को कोई



20.04.19 —— 22.04.19 —— 22.04.19 —— 22.04.19

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2.

की पूरी पूरी जानकारी नहीं है इतना सत्य है कि सूचिका के साथ कोई बलात्कार नहीं हुआ है और न दहेज की मांग की गयी है बल्कि दोनों के बीच प्रेम प्रसंग का परिणाम है।

4- यह कि सूचिका कोई लड़ना नहीं चाहती है तथा मेल के समर्थन में उभय पक्षों के साथ सूचिका के माता पिता एवं उभय पक्षों के अधिवक्ताओं का भी हस्ताक्षर विद्यमान है।

अतः निवेदन है कि मेल के आधार पर प्रार्थी को कमानत पर मुक्त करने की अंतिम कृपा प्रदान की जाय।

प्रार्थी
जहांगीर रहमान

हस्ताक्षरकर्ता द्वारा

अधिवक्ता 22/10/18

मो० रहमान

Compared By
Copying Cler

Attested
Assistant Superintendent
District Prison Madhepura

Certified to be true Copy
Head Clerk

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6. Having considered the submissions advanced on behalf of the parties and the materials available on the record, this Court takes note of the fact that the police, upon investigation, submitted final form bearing No. 5 of 2019 dated 03.02.2019, finding the allegations to be untrue. This Court also takes note of the compromise arrived at between the informant and petitioner no. 1, as reflected in the compromise petition filed before the learned court below.

7. It is true that the offences alleged in the present case, particularly the offence under Section 376 of the IPC, are serious in nature and cannot be treated as matters of a purely private dispute merely because the parties have arrived at a compromise. The question of quashing, therefore, has to be considered on the basis of the overall facts and circumstances of the case and the materials available on record, and not solely on the ground of settlement between the parties.

8. In the facts and circumstances of the present case and taking note of the ratio settled in ***Naushey Ali v state of U.P*** reported in ***(2025) 4 SCC 78***, also having regard to

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the final form submitted by the police, the subsequent settlement between the parties and the materials available on record, this Court is of the view that continuation of the criminal proceedings against the petitioners, who are proposed in-laws, would not serve the ends of justice.

9. Accordingly, the order dated 11.03.2019 passed by the learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Mahila P.S. Case No. 24 of 2018, corresponding to CIS/G.R. No. 812 of 2018, taking cognizance of the offences under Sections 376, 504/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act,with all its consequential proceedings, is hereby quashed and set-aside.

10. The present petition stands allowed.

11. Let a copy of this judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Rajeev/-

AFR/NAFR	**NAFR**
CAV DATE	**NA**
Uploading Date	**27.10.2026**
Transmission Date	**27.10.2026**

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