

In the Court of Sri Mayank Kr. Pandey, S.D.J.M Manjhaul (Begusarai)
Complaint Case- 65^c/2019
Bharti Kumari Vs. Mantosh Kumar & Anr.

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17.03.2026

1. The record is put up today for passing order on the petition filed by the accused persons under Section 245 of the Code of Criminal Procedure seeking discharge from the alleged offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.
2. The present complaint case has been instituted by the complainant, Aarti Kumari, against the accused persons, namely Mantosh Paswan and Nirdhan Paswan, alleging cruelty and demand of dowry. It appears from the record that summons had already been issued against the aforesaid accused persons for the said offences.
3. It further transpires from the record that a connected police case bearing Khodawandpur P.S. Case No. 35/2021, relating to similar allegations between the same parties, is also pending/was instituted. The complainant has been examined during the stage of before-charge evidence in the present complaint case.
4. During her examination-in-chief, the complainant has stated that she was married to accused Mantosh Kumar and out of the wedlock, a female child aged about 7 years was born. She has further alleged demand of dowry by her husband and in-laws. However, she has categorically stated that a settlement has been arrived at between her and her husband.
5. In her cross-examination, the complainant has admitted that out of the settled amount of ₹3,50,000/-, a sum of ₹1,50,000/- has already been received by her and the remaining amount was to be paid after closure of the case. The record further reflects that subsequently, the remaining amount (including ₹82,000/- sent on 05.01.2026) has been paid to the complainant in terms of the settlement.
6. It is also borne out from the record of the connected case that a compromise has been effected between the parties, and the accused persons have filed affidavits evidencing payment of the settled amount. Despite sufficient opportunities granted by the Court, the complainant has not come forward to adduce further evidence after receipt of the entire settled amount.
7. Learned counsel for the complainant has fairly conceded the receipt of the entire settled amount of ₹3,50,000/-, though disputing certain other averments. On the other hand, learned counsel for the accused has submitted that the dispute has been amicably settled, the complainant is no longer interested in prosecuting the case, and no material remains on

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record to proceed further. It has also been submitted that the complainant has remarried and is living separately.

8. I have perused the entire record, including the complaint petition, the statement of the complainant recorded during before-charge evidence, the compromise petition, and the record of Khodawandpur P.S. Case No. 35/2021.
9. Upon careful consideration, it appears that except for the general and omnibus allegations made in the complaint, there is no substantive and consistent material brought on record during the before-charge evidence to prima facie establish the ingredients of the offences alleged. The complainant herself has admitted the settlement and receipt of the entire agreed amount and has not supported the prosecution case further by adducing evidence despite adequate opportunities.
10. At this stage, it is settled law that for framing of charge, there must exist sufficient ground for presuming that the accused has committed an offence. However, in the present case, in view of the compromise between the parties, the conduct of the complainant, and the absence of supporting evidence, no sufficient ground exists to proceed against the accused persons.
11. Accordingly, this Court is of the considered opinion that the case against the accused persons is groundless within the meaning of Section 245(1) Cr.P.C.

ORDER

Hence, the petition filed by the accused persons under Section 245 Cr.P.C. is hereby **allowed**.

The accused persons, namely **Mantosh Paswan and Nirdhan Paswan**, are hereby **discharged** from the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

They are set at liberty from the liabilities of their bail bonds.

(Dictated)
Sd/-
SDJM, Majhaul(Begusarai)