



2026:CGHC:15556-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 925 of 2026**

1 - Aishwarya Singh Kanwar S/o Karam Singh Kanwar, Aged About 28 Years, R/o R.H. 10, PWD Basti, P.S. Rampur, Distt- Korba (C.G.)

... Petitioner**versus**

1 - State of Chhattisgarh Through P.S. Tarbahar District- Bilaspur (C.G.)

2 - XYZ (Details of the victim is given in closed envelop)

... Respondents

(Cause title taken from Case Information System)

For Petitioner	: Mr. Atul Kumar Kesharwani, Advocate.
For State	: Mr. Sourabh Sahu, Panel Lawyer.
For Respondent No.2	: Ms. Deblina Maity, Advocate.

Division Bench:**Hon'ble Shri Ramesh Sinha, Chief Justice****Hon'ble Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****02-04-2026**

1. This petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short B.N.S.S.) has been preferred by the petitioner with the following prayer:-

“It is, therefore, prayed that this Hon’ble Court may kindly be pleased to allow this petition:-

- A) By quashing the FIR no. 105/2025 registered at Police Station - Tarbahar, District- Bilaspur (C.G.) registered under Section 376 (2) (n) of I.P.C. as well as entire Charge-sheet filed on 12.06.2025 under Section- 376(2) (n) of I.P.C. registered at Police Station- Tarbahar, District- Bilaspur (C.G.).
- B) By quashing of Criminal proceeding and cognizance taken on- 25.07.2025 and charges framed against the petitioner by the learned Add. Sessions Judge (FTC) Bilaspur, Dist- Bilaspur (C.G.), dated 12.09.2025 in Sessions Case no. 167/2025 for the alleged offence punishable under section 376 (2) (n) of I.P.C.
- C) By quashing of the order dated- 12.09.2025 passed by the learned Add. Sessions Judge, (FTC) Bilaspur (C.G.) whereby the learned Trial Court, Bilaspur has framed charges against the applicant for the offence punishable under section- section 376(2)(n) I.P.C./ 69 B.N.S.
- D) It is pertinent to mentioned here that earlier vide CrMP no. 342/2026 the petitioner has approached this Hon'ble High Court challenging the FIR and Charge-sheet as well as Charge framed against him and the same was withdrawn with liberty to file a written compromise letter before the learned Trial Court and

thereafter file a fresh petition. The copy of order dated- 03/2/2026 passed by the Hon'ble High Court in Cr.M.P. no. 342/2026 is filed here as **Annexure P-5**

E) By quashing of entire Criminal proceeding pending against the petitioner before the learned Add. Sessions Judge (FTC) Bilaspur (C.G.) in Sessions Case No. 167/2025 and may kindly set free the petitioner from the aforesaid allegation, in the interest of justice.”

2. The brief facts of the case are that the complainant/ Respondent No.2 lodged a written complaint on 21-04-2025 to Police Station Tarbahar, Bilaspur against the petitioner with the allegations that he made acquaintance with the complainant through Facebook in January, 2024 and there were regular conversation between them on mobile wherein the petitioner expressed his love and intention to marry with her. Thereafter, on his insistence the complainant met with him at a hotel at Bilaspur where the petitioner proposed her for marriage and assured her that he would talk about their marriage to his parents. Thereafter, between 04-06-2024 to 06-06-2024 on the pretext of marriage the petitioner made physical relation with the complainant many times without her consent in a room of hotel at Bilaspur. It is also alleged in the complaint that the petitioner made physical relation with the complainant several times in other different places. Thereafter, the petitioner has denied to marry with the complainant and stopped

conversation with her. When she has tried to contact him her number was put in black list by the petitioner. On the said complaint made by the complainant police registered FIR No.0105/2025 at Police Station Tarbahar, District Bilaspur (C.G.) for the offence under Section 376(2)(n) against the petitioner. After completion of the investigation charge sheet was filed against the petitioner before the Judicial Magistrate First Class, Bilaspur and presently after its committal the case is pending before the learned Additional Sessions Judge (F.T.C.), Bilaspur as Sessions Case No.167/2025 wherein charge under Section 376(2)(n) has been framed against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner and the respondent who are major established consensual physical relation and subsequently, the complainant alleged that the petitioner made physical relation on the pretext of marriage and subsequently he has denied for the marriage. From the material available in the charge sheet it reveals that the entire case is based upon misunderstanding of the parties and there is no ingredients to attract the alleged offence. He further submits that a compromise has taken place between the petitioner and the complainant and both of them have married on 21-10-2025 and they are living together as husband and wife. The true copy of marriage certificate has been annexed in the present petition at page No.79. They have moved application under Section 320(2) of Cr.P.C./359(2) of B.N.S.S. before the learned trial Court, however, it has been rejected by the learned trial Court vide order dated 07-03-2026 on the ground that the alleged offence is not compoundable.

4. Learned counsel for respondent No.2 does not dispute the fact of marriage between the petitioner and the complainant/respondent No.2 and submits that they are living together and the complainant does not want to continue the criminal proceeding against the petitioner.

5. In view of the compromise made between the parties and the petitioner married with the complainant and both are living together, this Court is of the opinion that once when the complainant and the accused have settled their matter and buried the dispute and differences, it would be an important consideration for the High Court while exercising the powers under Section 482 CrPC/ 528 of BNSS to compound the offence. The opinion of this Court stands fortified from the judgment of the Supreme Court in the case of **Gian Singh v. State of Punjab & Another** [2012 (10) SCC 303] and also in the case of **Narinder Singh & Others v. State of Punjab & Another** [2014 (6) SCC 466].

6. In the case of **Gian Singh** (supra) the Hon'ble Supreme Court held as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

7. The Hon'ble Supreme Court in the case of **Narinder Singh & Ors. v. State of Punjab & Another** [2014 (6) SCC 466], has been held as under:-

“**29.** In view of the aforesaid 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.

29.2 When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives. ”

8. Another aspect which has to be borne in mind is that the parties to the dispute having entered into a settlement and the accused has married with the complainant which is reflected from the certificate of marriage issued by the competent authority, there is a minimal chance of the complainant coming forward in support of the prosecution case and the chances of conviction therefore appear to be very remote and it

would not be justified to drag these proceedings unnecessarily knowing fully well the final outcome.

9. In the present case, this Court is mindful of the settled principle that allegations under Section 376 IPC pertain to a grave and heinous offence, which ordinarily should not be quashed merely on the basis of compromise or subsequent marriage between the parties, as held by the Hon'ble Supreme Court in **Gian Singh** (supra) and **Narinder Singh** (supra). At the same time, the inherent powers of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Section 482 Cr.P.C.) are meant to secure the ends of justice and to prevent abuse of the process of law, and such powers are to be exercised having regard to the peculiar facts of each case. The present case does not disclose a situation of forcible sexual assault in the strict sense, but rather arises out of a relationship between two consenting adults, where the dispute appears to have emanated from a failed promise of marriage at a particular point in time.

10. It is also a matter of record that the parties have now voluntarily entered into a lawful marriage and are cohabiting peacefully, and the victim has unequivocally expressed her desire not to pursue the criminal proceedings. There is nothing on record to suggest that such a settlement is a result of coercion, undue influence, or pressure, nor does it appear that quashing the proceedings in the present facts would encourage or legitimise any misuse of the process of law in cases of genuine sexual offences. On the contrary, continuation of the proceedings, despite complete restoration of matrimonial harmony

between the parties, would serve no fruitful purpose and would only result in unnecessary harassment. In such a situation, the possibility of conviction appears remote and bleak. In these circumstances, this Court is of the considered opinion that this is an exceptional case, where to secure the ends of justice and to prevent abuse of the judicial process, the criminal proceedings deserve to be quashed.

11. Consequently, the petition deserves to be and is hereby **allowed**. The FIR bearing No. 105/2025 registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence under Section 376(2)(n) IPC, along with the charge-sheet filed pursuant thereto, the order taking cognizance dated 25.07.2025, and the order framing charges dated 12.09.2025 passed by the learned Additional Sessions Judge (FTC), Bilaspur in Sessions Case No. 167/2025, are hereby quashed. The petitioner stands discharged from the aforesaid offence.

12. It is, however, made clear that this order has been passed in the peculiar facts of the present case and shall not be treated as a precedent in cases involving allegations of a similar nature.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice