



2026:CGHC:3810-DB

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 3752 of 2025

**1** - Tikeshwar @ Sonu Manhare S/o Badrinath Manhare, Aged About 38 Years R/o Ward No. 2, Khapridihkhurd, P.S. Tilda Nevra, Distt. Raipur, Chhattisgarh.

**2** - Rahul Dahariya S/o Kamal Narayan Dahariya, Aged About 31 Years R/o Ambedkar Chowk, Ward No. 10, Amsena, P.S. Kharora, Raipur, Distt. Raipur, Chhattisgarh.

**... Petitioners**

**versus**

**1** - The State of Chhattisgarh Through P.S. Kharora, Distt. Raipur, Chhattisgarh.

**2** - Yogesh Das Guru Gosai S/o Maksudan Das Guru Gosai, Village Khaparidih, P.S. Kharora, Distt. Raipur, Chhattisgarh.

**... Respondents**

(Cause-title taken from Case Information System)

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For Petitioners : Mr. Ashutosh Pandey, Advocate.

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For Respondent-State: Mr. Shailendra Sharma, Panel Lawyer.

For Respondent No.2 : Mr. Vaibhav P. Shukla, Advocate.

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, Chief Justice**

**22-01-2026**

1. Heard Mr. Ashutosh Pandey, learned counsel appearing for the petitioners. Also heard Mr. Shailendra Sharma, learned Panel Lawyer, appearing for the Respondent No.1/State and Mr. Vaibhav P. Shukla, learned counsel appearing for respondent No.2.

2. The present petition under Section 528 of BNSS, 2023 has been filed by the petitioners with the following prayer:-

“I Quash and set aside the FIR dated 01.02.2025 in Crime No. 43/2025 for offence punishable under section 296, 115 (2), 351 (2), 140 (3), 3(5) of B.N.S., 2023. (Annexure-P/1)

II Quash and set aside the Final Report No. 113/2025 dated 29.05.2025 in Crime No. 43/2025 for the offence punishable under section 296, 115 (2), 351(2), 3(5) of B.N.S. filed before the Judicial Magistrate First Class, Tilda, Distt Raipur (C.G.) by the prosecution. (Annexure-P/2)

III Quash and set aside the Cognizance order dated 31.05.2025 by Judicial Magistrate First Class, Tilda, Distt Raipur (C.G.) in pending Criminal Case No. 552/2025, Raipur (C.G.). (Annexure-P/3)

VI Quash and set aside the order dated 18.7.2025 whereby learned Judicial Magistrate First Class, Tilda, Distt - Raipur (C.G.) has framed the charges under section 296, 115 (2) R/W 3 (5), 351 (3), 140 (3) R/W 3(5) of B.N.S.,

2023. (Annexure-P/4)

- V Quash the entire criminal proceedings arising out of Crime No. 43/2025 for offences punishable under section 296, 115 (2) R/W 3 (5), 351 (3), 140 (3) R/W 3(5) of B.N.S., 2023 pending before Judicial Magistrate First Class, Tilda, Distt - Raipur (C.G.) registered as Criminal Case no. 552/2025 against the petitioners.
- VI Pass such order or further order(s) as this Hon'ble Court may deemed fit, proper and just in the fact and circumstances of the present case, to secure the ends of justice.”

3. As per the prosecution story, the complainant, a resident of Khaparidihkhur, Kharora and a student of B.A. Final Year, alleged that while he was going to submit his nomination form for Janpad Panchayat, Area No.18, the petitioners along with their associates stopped him, threatened him with dire consequences if he contested the election, and wrongfully confined him for about two hours. On the basis of the said complaint, an FIR was registered under Sections 296, 115(2), 351(2), 140(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.') on 01.02.2025 at Police Station Tilda Nevra, District Raipur, bearing Crime No. 43/2025 . After investigation, the police filed Final Report No. 113/2025 on 29.05.2025, upon which the Judicial Magistrate First Class, Tilda took cognizance on 31.05.2025 and granted bail to the petitioners. Subsequently, charges were framed on 18.07.2025 under Sections 296, 115(2) read with 3(5), 351(3), and

140(3) read with 3(5) of the B.N.S. Thereafter, on 31.07.2025, the learned Magistrate allowed the complainant's application for compounding and acquitted the petitioners of offences under Sections 351(3) and 115(2) of B.N.S., while the trial was directed to continue for the remaining non-compoundable offences under Sections 296 and 140(3) read with 3(5) of B.N.S.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated by the complainant in the present case due to purely personal and private altercation happens just before the election held in Janpad Panchayat, Tilda Nevra. The complainant appeared before the learned Judicial Magistrate first Class and filed compromise application admitting that the dispute has been amicably resolved and the complainant has no grievance against the accused, which shows that the complainant lost his interest in prosecuting the case. The learned JMFC has already accepted the compromise under Section 359(1) and 359(2) of B.N.S. and acquitted the petitioners from Section 351(3) and 115(2) of B.N.S., further the deposition of complainant reveals that no such incident has been taken place in the light of said deposition continuance of the trial under Section 296 and 140(3) read with Section 3(5) of B.N.S. will only waste the time of judicial proceedings and will not create any prejudice to the judicial system. Since, the foundation allegations have been settled and compounded between the complainant and the petitioners the continuation of trial is purely technical and oppressive. Though some of the allegation of remaining offence are non-compoundable, but they are

not independent, part of the same transaction based on the same FIR, same fact, same incident and same evidence. Once the complainant has entered into the compromise the very basis of prosecution will no longer survive. Since the complainant has entered into the compromise, he is not willing to support the prosecution case so continuance of the trial would be an empty formality and abuse of the process of law. The remaining offence of Section 296, 140(3) read with section 3(5) of B.N.S. relates to minor injuries, scuffle or intimidation, they all fall within the category of private dispute. The learned JMFC had verified the compromise and from the order dated 31.07.2025 it is crystal clear that the compromise was without pressure, inducement or threat which satisfied the legal requirement for quashing. Further, both the parties wishes to restore the cordial relations and to avoid prolonged litigation. The continuation of criminal trail will cause unnecessary harassment, financial burden and loss of mental peace to the parties. On 31.07.2025 itself the complainant was examined before the Trial Court and he did not support the prosecution case, thereby turning hostile. Further, as per the information obtained under the Right to Information Act from the Public Information Officer, Janpad Panchayat, Tilda Nevra it revealed that the complainant had successfully contested the election, which directly contradicts the prosecution allegation that he was prevented or threatened from contesting the election. In view of the complainant's hostile testimony and the documentary evidence disproving the prosecution story, the petitioners have approached this Hon'ble High Court by filing the present petition.

5. Learned counsel for the State does not dispute the submission made by the learned counsel for the petitioners that the compromise under Section 359(1) and 359(2) of B.N.S. has been accepted by the learned Judicial Magistrate First Class, Tilda and thereby petitioners have been acquitted from offence under Section 351(3) and 115(2) of B.N.S., though the trial for the offence under Section 296, 140(3) read with section 3(5) of B.N.S. is continuing against them.

6. Learned counsel for respondent No.2/complainant supported the submissions made by the learned counsel for the petitioners and submits that the matter has been compromised between the parties. He would further submit that respondent No.2 and petitioner are the resident of the same place and having cordial relationship with each other.

7. We have heard learned counsel for the parties and perused the documents annexed with the petition.

8. The Supreme Court in **Gian Singh v. State of Punjab & Another<sup>1</sup>** has laid down the following principles in para No.61 and 62 that :

“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

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1 (2012) 10 SCC 303

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.

62. In view of the above, it cannot be said that *B.S. Joshi, Nikhil Merchant and Manoj Sharma* were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) concerned.”

9. Furthermore, the Supreme Court in the case of **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another**<sup>2</sup> has examined scope of compromise under Section 320 of Cr.P.C. in offence of non-compoundable nature.

10. Reverting to the facts of the present case, it transpires from the documents annexed with the petition that the learned Judicial Magistrate First Class has already accepted the compromise after satisfying itself that the same was arrived at without any pressure, coercion, or inducement, and has acquitted the petitioners of the compoundable offences. The remaining offences, though technically non-compoundable, arise out of the same transaction, same set of facts, and are inseparable from the allegations already settled between

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2 (2013) 4 SCC 58

the parties. In the absence of any supporting evidence and in light of the hostile testimony of the complainant, the possibility of conviction is remote and bleak.

11. For the foregoing reasons, the present petition is **allowed** and criminal proceedings pending before the Judicial Magistrate First Class, Tilda, District Raipur (C.G.) in Criminal Case No.552/2025 against the petitioners Tikeshwar @ Sonu Manhare and Rahul Dahariya is hereby quashed subject to fulfillment of the terms of the compromise entered into between the parties.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice