

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.194 of 2026

1. Pradeep Kumar @ Pradeep Prasad aged about 54 years, S/o Late Rajendra Prasad, R/o village- Thana Chowk, P.O. Latehar, P.S. latehar, District- Latehar.
2. Amit Kumar @ Amit Kumar Gupta aged about 25 years, S/o Pradeep Kumar @ Pradeep Prasad R/o village Thana Chowk, P.O. Latehar P.S.- Latehar, District- Latehar.

... Petitioners

Versus

1. The State of Jharkhand
2. Sandeep Kumar @ Sandeep prasad aged about 46 years S/o Late Rajendra Prasad, R/o Village Thana Chowk, Main Road, P.O. Latehar, P.S. Latehar, Dist- Latehar.

... Opposite Parties

For the Petitioners : Mr. Vikash Kumar, Advocate
Mr. Agnivesh, Advocate
For the State : Mr. Rajesh Kumar, A.P.P.
For the O.P. No.2 : Mr. Manindra Kr. Sinha, Advocate.
Mr. Amit Kumar, Advocate.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.3762 of 2026

Heard the Parties.

Learned counsel for the petitioners do not press this interlocutory application.

Accordingly, this interlocutory application is rejected as not pressed.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.194 of 2026

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the prayer to quash the first information report as well as entire criminal proceeding in connection with Latehar PS Case No. 31 of 2024 registered for the offence punishable under Sections 306, 34 of the Indian Penal Code and the said case is now pending before the learned Chief Judicial Magistrate, Latehar.

3. It is jointly submitted by the learned counsel for the petitioners and learned counsel for the opposite party no.2 that the investigation of the case is still going on and charge-sheet has not yet been submitted.

4. Learned counsel for the petitioners and learned counsel for the opposite party No.2 jointly draw the attention of this Court towards Interlocutory Application No.5137 of 2026 which is supported by the separate affidavits of the opposite party No.2-informant and the petitionersnos.1 and 2 wherein it has been mentioned that a compromise has been entered into between the petitioner nos. 1 and 2 and the opposite party No.2 and they have decided to settle their dispute, hence, the opposite party no.2 does not want to proceed with the case. It is next jointly submitted that good sense has prevailed between the parties after intervention of the friends as well as the well-wishers and the dispute between the parties has been settled outside the Court. It is jointly submitted by learned counsel for the petitioners and learned counsel for the opposite party no.2 by drawing attention of this court to page-16 of the brief which is the copy of the application filed by the opposite party no.2-informant in court of learned Chief Judicial Magistrate, Latehar that

therein it has categorically been stated that the petitioner no.1 is the brother and petitionersno.2 is the nephew of the informant and therein it has also been mentioned that deceased is the common father of the petitioner no.1 and the informant; who was under psychological and mental distress and was talking about committing suicide over a period of two years and while under depression, some persons taking advantage of the same, by influencing him, got the land of their father transferred to their names by way of registered sale deed. The informant because of some misinformation has instituted the case, but after discussing the matter with his mother, the informant came to know that the allegation against the petitioners is unfounded and the case was instituted on the basis of fake videos prepared by someone. It is next submitted that in view of the development, informant does not want to proceed with this case. Learned Counsel for the petitioners submits that the dispute between the parties is a private dispute and no public policy is involved in this case and the compromise is not opposed to the public policy. Learned counsel for the petitioners next submits that in view of the compromise between the parties, the continuation of this criminal proceeding will amount to abuse of process of law as in view of the compromise, the chances of conviction of the petitioners are remote and bleak. Hence, it is submitted that the first information report as well as entire criminal proceeding in connection with Latehar PS Case No. 31 of 2024 registered for the offence punishable under Sections 306, 34 of the Indian Penal Code be quashed and set aside.

5. Learned P.P. appearing for the State submits that in view of the compromise between the parties, the State has no objection for quashing the first information report as well as entire criminal proceeding in connection with Latehar PS Case No. 31 of 2024 registered for the offence punishable under Sections 306, 34 of the Indian Penal Code and the said case is now pending before the learned Chief Judicial Magistrate, Latehar.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the Hon'ble Supreme Court of India in the case of **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Others vs. State of Gujarat & Another** reported in (2017) 9 SCC 641, had the occasion to consider the jurisdiction of the High Court under Section 482 of Code of Criminal Procedure *inter alia* on the basis of compromise between the parties and has held in paragraph No.11 as under:-

"11. Section 482 is prefaced with an overriding provision. The statute saves the inherent power of the High Court, as a superior court, to make such orders as are necessary (i) to prevent an abuse of the process of any court; or (ii) otherwise to secure the ends of justice. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] a Bench of three learned Judges of this Court adverted to the body of precedent on the subject and laid down guiding principles which the High Court should consider in determining as to whether to quash an FIR or complaint in the exercise of the inherent jurisdiction. The considerations which must weigh with the High Court are : (SCC pp. 342-43, para 61)

"61. ... 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominatingly civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding." (Emphasis supplied)"

7. Perusal of the record reveals that the offences involved in this case are not heinous offences nor is there any serious offence of mental depravity involved in this case rather the First Information Report is because of some misunderstanding between the parties, fomented by some fake videos.

8. Because of the complete settlement between the offender and the victim, the possibility of conviction of the petitioners is remote and bleak and continuation of the criminal case would put the petitioners 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.

9. Hence, this Court is of the considered view that this is a fit case where the first information report as well as entire criminal proceeding in connection with Latehar PS Case No. 31 of 2024 registered for the offence punishable under Sections 306, 34 of the Indian Penal Code which is now pending before the learned Chief Judicial Magistrate, Latehar, as prayed for by the petitioner, be quashed and set aside.

10. Accordingly, the first information report as well as entire criminal proceeding in connection with Latehar PS Case No. 31 of 2024 registered for the offence punishable under Sections 306, 34 of the Indian Penal Code is quashed and set aside against the petitioner.

11. In the result, this Cr.M.P. stands allowed.

12. In view of disposal of the instant Cr.M.P., I.A. No.5137 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20rd of April, 2026
AFR/ Amar

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