

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 622 of 2025

Imran Khan, aged about 40 years, son of Late Shamim Khan, resident of Holding No. 130, Road No 13, Jawahar Nagar, P.O. and P.S. Kadma, Town Jamshedpur, District East Singhbhum, Jharkhand.

..... Petitioner

Versus

1. The State of Jharkhand
2. Nigar Fatma, wife of Imran Khan and daughter of Ekbal Uj Jama, resident of 93, Road NO.-1, Dhobi Line, New Ranikudar, P.O. and P.S. Kadma, Town Jamshedpur, District East Singhbhum, Jharkhand.

..... Opposite Parties

For the Petitioner	: Dr. (Mrs.) Vandana Singh, Adv.
For the State	: Mr. Rajesh Kumar, Addl. PP
For the informant	: Mr. Ashwini Bhushan ,Adv.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of BNSS, 2023 with a prayer for quashing and setting aside the First Information Report being Kadma P.S. case no. 119 of 2021 registered for the offence punishable under Sections 498A and 34 of IPC and Section 3/4 of the D.P.Act.
3. Learned counsel for the petitioner submits that the charge sheet has not yet been submitted in this case and the investigation of the case is going on. Learned counsel for the petitioner and learned counsel for the opposite party no. 2 jointly draws attention of the court to the I.A. No. 13015 of 2025 which is supported by separate affidavits of the *pairvikar* of the petitioner as well as the informant – opp. Party no. 2 wherein it has categorically been

mentioned that the parties have reached to a compromise with the intervention of the well-wishers and others, hence, the opposite party no. 2 is not interested in pursuing the case and the chance of conviction of the petitioner is remote and bleak. It is further submitted that the dispute between the parties is a private dispute and no public policy is involved in the case hence, continuation of the criminal proceeding in connection with Kadma P.S. case no. 119 of 2021 will amount to abuse of the process of law and no purpose would be served in continuing with the criminal proceeding after compromise have been entered into between the parties, hence, it is jointly submitted that the First Information Report being Kadma P.S. case no. 119 of 2021, be quashed and set aside against the petitioner.

4. Learned Addl. PP submits that the State has no objection to the prayer of the petitioner to be quash and set aside the First Information Report being Kadma P.S. case no. 119 of 2021 against the petitioner in view of the compromise between the parties.
5. Having heard the submissions made at the Bar and after 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 **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and 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 predominately 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)

6. 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 person to great oppression and prejudice and extreme injustice would be caused to them by not quashing the criminal case despite full and complete settlement and compromise with the victim.
7. In view of the submission made jointly by the learned counsel for the petitioner and learned counsel for the opposite party no. 2, this court is satisfied that the parties have amicably resolved their

entire dispute and thus, in the considered opinion of this Court, it would be unfair and contrary to the interest of justice to continue with the criminal proceeding and the continuance of criminal proceeding would tantamount to the abuse of the process of law and in the interest of justice, it is appropriate that the entire criminal proceeding against the petitioners be put to an end.

8. Accordingly, the First Information Report being Kadma P.S. case no. 119 of 2021, is quashed and set aside against the petitioner.
9. In the result, this criminal miscellaneous petition is allowed and in view of the disposal of this criminal miscellaneous petition, the I.A. No. 13015 of 2025 also stands disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 18th September, 2025
Smita / AFR