

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P No. 1323 of 2019

Md. Shamshad Ali

.... Petitioner(s).

Versus

State of Jharkhand & Anr.

.... Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

THROUGH : VIDEO CONFERENCING

FOR THE PETITIONER(S) : Mr. Deepak Kr. Prasad, Advocate

FOR THE STATE : Mr. Rajneesh Vardhan, APP

FOR THE O.P NO.2 : Mr. Suresh Kumar, Advocate

05/05.06.2020

Criminal proceeding is sought to be quashed solely on the basis of a compromise. This criminal proceeding arises out of an FIR registered under Section 354 A IPC & Sections 8 & 10 of the POCSO Act.

Question which fall for consideration is:-

- 1) Whether a case which is registered under POCSO or under any others Special Act, wherein there is no provision for compounding, can be quashed by invoking extraordinary jurisdiction of the court under articles 226/227 of the Constitution or under Section 482 of the Cr.P.C on the ground that the parties have entered into a compromise.
- 2) Whether at any stage, starting from the stage of taking cognizance till pronouncement of judgment, any such compromise petition can be looked or entertained by any court and can have any bearing on any intermediate, interlocutory or supplemental proceeding (like bail, framing of charge etc) of the said case.

These issues are of utmost importance which if answered in either way will have a long lasting effect on criminal justice delivery system. Thus, this court feels that these issues should be placed before a Division Bench of this court.

Let this matter, thus be placed before the Hon'ble Chief Justice for assignment.

In the meantime, interim relief granted to the petitioner shall continue.

(ANANDA SEN , J)