

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 502 of 2024

Indranil Chatterjee, aged about 50 years, son of late Ranjit Kumar Chatterjee, resident of Mohalla- Kalpara, P.O.- Pakur, P.S.- Pakur (T), District- Pakur (Jharkhand) ---- --- **Petitioner**

Versus

1. The State of Jharkhand
2. Anindita Trivedi @ Anindita Jaiswal, daughter of Sri Prabhat Kumar Trivedi and wife of Sunil Jaiswal, resident of village- Harindanga Bazar, P.O.- Pakur, P.S.- Pakur (T), District- Pakur (Jharkhand)
3. Ram Thakur, aged about 38 yrs, S/o Sushil Thakur, R/o Tola, Aliganj, Sudama Colony, P.O +P.S.- Pakur, Dist. – Pakur
4. Sovik Thakur, aged about 21 yrs, S/o Rajendra Thakur, Bodi Aliganj, Kushi Nursing home, P.O +P.S.- Pakur, Dist. – Pakur
5. Vishnu Karmakar, aged about 26 yrs, S/o Nabu Kukmar Karmakar, R/o Rajapada, behind Rani School, P.O +P.S.- Pakur, Dist. – Pakur

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CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner	: Mr. A. K. Kashyap, Sr. Advocate
For the State	: Mr. Satish Prasad, A.P.P.
For the O.P. No.2	: Mr. R. S. Mazumdar, Sr. Advocate
For the O.P. No.3 to 5	: Mr. B. M. Tripathi, Sr. Advocate

10/06.04.2026

1. Heard Mr. A.K. Kashyap, learned Senior counsel for the petitioner, Mr. Satish Prasad, learned A.P.P. for the State as well as Mr. R.S. Mazumdar, learned Senior counsel for the Opposite Party No.2 and Mr. B.M. Tripathi, learned Senior counsel for the Opposite party No.3 to 5.
2. This criminal revision is directed against the order dated 02.04.2024 passed by the learned Additional Sessions Judge-II, Pakur in Misc. Criminal Application No.47 of 2024, whereby and whereunder, the prayer for discharge has been rejected.
3. Submission has been advanced by the learned senior counsel for the petitioner that the victims have compromised the matter at the very initial stage of the incident and considering the said fact, the petitioner was granted bail. It has further been submitted that the petitioner has a licensed revolver and in fact, the victims had trespassed into the land of the petitioner, which resulted in the incident. It has further been submitted

that these facts were considered in the order dated 11.09.2024 and the direction for framing of charge was ordered to be stayed.

4. In support of his contention, Mr. Kashyap has relied upon the case of *Naushey Ali and Others Vs. State of Uttar Pradesh and Another* reported in *(2025) 4 SCC 78*.

5. Mr. B. M. Tripathi, learned senior counsel for the opposite party nos.3, 4 and 5, who are the victims of the case has submitted that the compromise, which was earlier entered into, have subsequently failed. It has been submitted that petitioner is alleged to have fired three shots at the victims who sustained gunshot injuries.

6. Mr. R. S. Mazumdar, learned senior counsel for the opposite party no.2, who is the informant has stated about the act of the petitioner of committing firearm injuries upon three of the victims. It has further been submitted that the petitioner was granted bail based on a compromise which subsequently did not see the light of the day and therefore the plea for discharge of the petitioner on the ground of compromise, is not sustainable.

7. Replying to such submission, Mr. Kashyap, learned senior counsel for the petitioner has submitted that without any reasons, the opposite parties have resiled from the earlier compromise which was entered into and they should be proceeded for contempt of court.

8. It appears from the allegations levelled that the petitioner along with his associates had entered into a land situated at Dag No.1839 of Pakur Mauza No.128 upon which the matter was informed to the police. The police had arrived and the work was stopped. Subsequently, on 08.11.2023, the petitioner and other accused persons variously armed had tried to surround the said land by affixing a concrete pillar and on getting such information, the informant, his family members and others had come to the place of occurrence to stall the illegal activities of the petitioner and other accused persons. The petitioner had started firing as a result of which three bullets had hit the respondent nos.3, 4 and 5.

9. On completion of investigation having found the allegations to be true, chargesheet was submitted against the petitioner. The gist of the allegation, therefore, reveals that the petitioner had fired five shots out of

which three shots hit the respondent nos.3, 4 and 5, which resulted in their suffering firearm injuries.

10. Though, it has been submitted by the learned senior counsel for the petitioner that the compromise was effected at the time of bail and the concerned respondents have never filed any document to indicate that they have resiled from the earlier compromise, but regard being had to the nature of allegations levelled against the petitioner in which three persons sustained firearms injuries and the discharge application having been appropriately considered by the learned Trial Court, such submission of the learned senior counsel for the petitioner is negated.

11. As has been noted above, learned senior counsel for the petitioner in his support of various contentions has referred to the case of ***Naushey Ali and Others Vs. State of Uttar Pradesh and Another (supra)***, wherein it has been held as follows:-

“30. Keeping in mind the surrounding circumstances, the nature of the weapon and the nature of the injury, on facts, we are inclined to conclude that the overt act attributed to the appellants does not bring the case within the four corners of Section 307 IPC, either on a stand-alone basis or as held above with the aid of Section 149 IPC.

31. We are also inclined to conclude that considering the overall circumstances, the nature of the weapon and the nature of the injury (fracture of the head of distal phalanx of left ring finger), the offence alleged, on facts, does not fall in that category of cases where the court should deny relief in the event of a settlement. At the highest, the offence alleged could be one under Section 326 IPC. It could not be said, on facts, considering all the circumstances that this is a crime which has such a harmful effect on the public and that it has the effect of seriously threatening the well-being of the society. We make it clear that we are saying so on the facts of the present case.”

12. The factual aspect of the case under reference is quite distinct and different than what has been alleged in the present case. The act of the petitioner and the injuries sustained by the respondent nos.3, 4 and 5 which all were firearm injury comes within a serious offence and since sufficient material has been collected in course of investigation, satisfying

the allegations made in the First Information Report, the question of discharging the accused/petitioner on the basis of compromise would not stand.

13. In this context, the reference is made to the case of ***State of Madhya Pradesh Vs. Laxmi Narayan*** reported in ***(2019) 5 SCC 688***, where it has been held as follows:-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC it there for

the sake of it of the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge- sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh' should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove,

15.5". While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc."

(emphasis supplied)

14. In view of the discussions made hereinabove, I am not inclined to entertain this Criminal Revision Application, which consequently stands dismissed.

15. Pending I.A., if any, also dismissed.

(Rongon Mukhopadhyay, J)

Dated:06.04.2026

Jay/-