

IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 976 of 2024

- 1.** Harsh Singhania, son of Sri Kali Charan Singhania, aged about 23 years, resident of 8, J.J. Road, Singhania Bhawan, in front of Moulana Azad College, Upper Bazaar, Ranchi, PO – GPO, PS – Kotwali, District – Ranchi, Jharkhand
- 2.** Rishabh Jaiswal, son of Sri Mahendra Jaiswal, aged about 25 years, resident of near Goushala Chowk, Ratu Road, Ranchi, PO – GPO, PS – Sukhdeo Nagar, District – Ranchi, Jharkhand
- 3.** Sresht @ Kumar Sresth, son of Sri Sanjay Kumar Gupta, aged about 24 years, resident of Sarika, in front of Sadar Hospital, Purulia Road, Ranchi, PO and PS – Sadar, District – Ranchi, Jharkhand
- 4.** Atul Gupta @ Atul Prakash Gupta, son of Sri Ved Prakash Gupta, aged about 25 years, resident of Upper Bazar, Kali Babu Street, Ranchi, PO – GPO, PS – Kotwali, District – Ranchi, Jharkhand

.... Petitioners

-- Versus --

- 1.** The State of Jharkhand
- 2.** Deepak Ojha, son of Late Uday Shankar Ojha, aged about 35 years, resident of Ojha Market, Pandra, Ranchi, PO – Hehal, PS- Pandra, (OP), District – Ranchi

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	:-	Mr. Rakesh Kumar Sinha, Advocate
	:-	Mr. Punit Kumar, Advocate
For the State	:-	Mr. Sanjay Srivastava, Advocate
For O.P. No.2	:-	Mr. Akash Deep, Advocate

06/25.11.2025 This criminal revision petition has been filed for setting aside the order dated 19.07.2024 passed by learned A.J.C. – V, Ranchi in Misc. Criminal Application No.2171 of 2024 arising out of S.T. No.256 of 2024, G.R. No.1197 of 2022 corresponding to Sukhdeo Nagar (Pandra O.P.) P.S. Case No.393 of 2020 Code whereby the discharge petition filed by the

petitioners has been rejected by the learned Court.

2. Learned counsel appearing for the petitioners submits that the case has been registered pursuant to the altercation took place between the parties due to parking of the vehicle. He further submits that now a good sense has prevailed between the parties and both the sides have compromised the matter. He then submits that the compromise petition has been filed in the form of I.A. No.5580 of 2025 and 9670 of 2025. He next submits that first I.A. has been filed by the informant and the second I.A. has been filed by the injured person. He next submits that both the sides have compromised the matter and decided not to pursue the case. He submits in view of that the petitioner may kindly be discharged.

3. Learned counsel appearing for the State submits that the allegation of assault is there.

4. Learned counsel appearing for the opposite party No.2 submits that compromise has reached between the parties and I.As have been filed on separate affidavit on behalf of both the sides. He submits that due to parking of vehicle altercation took place between the parties and both the sides have received the injury.

5. In view of the above and considering the nature of allegation which has occurred due to parking of the vehicle and the compromise has reached between the parties which was brought on the record by way of filing I.As, although relevant sections are not compoundable, however, in view of the nature of allegation the Court can allow the compromise. This aspect of the matter has been further considered in the case of ***Naushey Ali & Ors. versus State of U.P. & Anr. in***

Criminal Appeal No.660 of 2025 @ SLP Criminal No.3432 of 2023 reported in 2025 INSC 182 wherein at paragraph No.10 two of the judgments has been further considered of Hon'ble Supreme Court which stipulates as under :-

10. In State of Madhya Pradesh vs. Laxmi Narayan and Others, (2019) 5 SCC 688, after discussing the ratio in Narinder Singh and Others vs. State of Punjab and Another, (2014) 6 SCC 466 and other judgments, this Court held:-

"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 is there for the sake of it or 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."*

6. Paragraph No.26 of **Narinder Singh (supra)** case has been further considered in paragraph No.11 which stipulates as under :-

"26. *Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a*

quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. ...”

7. Laxmi Narayan (supra) case has been further considered at paragraph No.12 which stipulates as under :-

***12.** Coming back to Laxmi Narayan (supra), this Court has held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/ delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial. [See 15.4 of Laxmi Narayan (supra)].*

8. In light of above judgments of Hon’ble Supreme Court and considering the nature of the allegation and taking the settlement on record the prayer made in the I.A. is hereby allowed and disposed of.

9. Consequently, the order dated 19.07.2024 passed by learned A.J.C. – V, Ranchi in Misc. Criminal Application No.2171 of 2024 arising out of S.T. No.256 of 2024, G.R. No.1197 of 2022 corresponding to Sukhdeo Nagar (Pandra O.P.) P.S. Case No.393 of 2020 is hereby set aside.

10. The petitioners are discharged from the case.

11. This criminal revision petition is allowed and disposed of

12. Pending petition, if any, is also disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 25.11.2025
Sangam/
A.F.R.