

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3418 of 2024

Dilip Ohdar, aged about 37 Yrs, S/O Sri Kameshwar Ohdar, R/O-
C/O Sri Amar Keshri, Village- Lowadih, P.O.- Namkum & PS-
Namkum, District- Ranchi, Jharkhand.

... Petitioner

Versus

1. The State of Jharkhand
2. Divya Kumari, Aged about 28 Years, W/O- Dilip Ohdar,
D/O- Sri Pramod Ram Kansi, at present R/o Village- Jakjor,
P.O.- Basiya, PS- Basiya, District- Gumla, Jharkhand at
present permanent R/o- Vill- Ramdih, P.O. & P.S. - Basiya,
Dist:- Gumla, Jharkhand.

... Opposite Parties

For the Petitioner : Mr. Vijayant Verma, Advocate
For the State : Mr. Vishwanath Roy, Spl.P.P.
For the O.P. No.2 : Mr. Sanddip Barnwal, Advocate

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 the B.N.S.S., 2023 with the prayer to set aside the entire criminal proceeding including the order dated 22.06.2024 passed by the learned Judicial Magistrate-1st Class, Gumla in connection with Mahila P.S. Case No.01 of 2024 whereby and where under the learned Judicial Magistrate-1st Class, Gumla has found *prima facie* case for the offences punishable under Sections 341, 323,

498A, 504, 506 of the Indian Penal Code and taken cognizance of the said offences against the petitioner.

3. Learned counsel for the petitioner and the learned counsel for the informant-opposite party No.2 jointly draw attention of this Court towards I.A. No.15581 of 2025 which is supported by the separate affidavits of the petitioner as well as the informant-opposite party No.2 and submit that therein it has categorically been stated that with the intervention of the well-wishers, a joint compromise has been entered into by the petitioner and the opposite party No.2-informant and because of the same, the opposite party No.2 is not willing to continue with the prosecution against the petitioner. Learned counsel for the petitioner and learned counsel for the opposite party No.2-informant next submit that the dispute between the parties is a personal dispute relating to matrimonial discord and no public policy is involved in this case. It is further submitted that in view of the settlement between the parties, continuation of this criminal proceeding will amount to abuse of process of law; as in view of the compromise, the chance of conviction of the petitioner is remote and bleak. Hence, it is submitted that the entire criminal proceeding including the order dated 22.06.2024 passed by the learned Judicial Magistrate-1st Class, Gumla in connection with Mahila P.S. Case No.01 of 2024, be quashed and set aside.

4. Learned Spl.P.P. appearing for the State submits that in view of the compromise between the parties, the State has no objection to the prayer for quashing the entire criminal proceeding including the order dated 22.06.2024 passed by the learned Judicial Magistrate-1st Class, Gumla in connection with Mahila P.S. Case No.01 of 2024.

5. 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)”

6. 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 same relates to private dispute between the parties resulting from medical discord between the parties.
7. Because of the complete settlement between the offender and the victim, the possibility of conviction of the petitioner is remote and bleak and continuation of the criminal proceeding would put the petitioner 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.

8. Hence, this Court is of the considered view that this is a fit case where the entire criminal proceeding including the order dated 22.06.2024 passed by the learned Judicial Magistrate-1st Class, Gumla in connection with Mahila P.S. Case No.01 of 2024, be quashed and set aside against the petitioner.

9. Accordingly, the entire criminal proceeding including the order dated 22.06.2024 passed by the learned Judicial Magistrate-1st Class, Gumla in connection with Mahila P.S. Case No.01 of 2024, is quashed and set aside against the petitioner.

10. In the result, this Criminal Miscellaneous Petition is allowed.

11. In view of disposal of this Criminal Miscellaneous Petition, I.A. No. 15581 of 2025 is disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 26th of November, 2025
AFR/ Saroj

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