

IN THE COURT OF MANIPUR

AT IMPHAL

Cril. Petition No. 21 of 2025

Mr. Vikas Singh, aged about 41 years, S/o Shri Ramesh Singh, resident of Nichlapura Ajaypur, Sikander Kampoo Lashkar, PO; Gwailor, PS; Panar, District-Gwalior, Madhya Pradesh.

.....Petitioner

-versus-

1. State of Manipur Represented through Joint Secretary (Home), Government of Manipur office Address at Secretariat South Block, Babupara Imphal Manipur- 795001.

2. Ms. Thingujam Debica, aged about 31 years, D/o Shri Thingujam Dinesh Kumar Singh, resident of Soibam Leikai Old Checkon, PS: Porompat, Imphal East, Manipur 795005.

3. Officer-in-Charge, Women Police Station, Imphal East District, Manipur 795005.

.....Respondents

BEFORE

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the Petitioners	:	Ms. Sonal & Mr. P. Stephen, Advocates
For the Respondent	:	Mr. Ashang, PP
Date of Hearing	:	04-09-2025
Date of Order	:	23-09-2025

JUDGMENT & ORDER [CAV]

[1] The present petition is filed jointly by the petitioner as well as by the Respondent no.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 seeking for quashing of FIR No. 31(11) 2024 dated 08.11.2024 and the proceeding arisen thereon under Section 64,318 and 61 (2) of Bharatiya Nyaya Sanhita [BNS], 2023.

Brief facts

[2] On 08/11/2024, the respondent no 2. lodged a complaint stating that one person namely Dr. Vikash/petitioner fostered her in a relationship by cheating that he was a bachelor and in January, 2023 one day he forcibly raped her in her house when her family members were not present. Then, he told her that they would marry her soon and the marriage was fixed on 08/11/2024. However, on the same day she came to know that he was already a married man having 2(two) daughters. Hence, a case under FIR No. 31(11)2024 WPS-Imphal East U/s 64/318/61(2) BNS was registered on 08/11/2024 in Women Police Station, Imphal East District, Manipur.

[3] The complainant/respondent no.2 and the petitioner have been in a relationship since 2022. The accused is a doctor by profession and working as post Graduate Medical Officer (General Surgeon) in the District Hospital, Ashok Nagar, Madhya Pradesh. The complainant/respondent No.2 was also working in the same hospital in Dental Medical Hospital. The petitioner visited Manipur three times to meet the complainant/respondent No.2. A matrimonial case was instituted by the wife of the accused/petitioner namely Jyoti and a legal notice was also served to the Complainant on 18/12/2023. The petitioner has filed documents, prints out of conversation exchanged via whatsapp/messages between the petitioner and complainant about his daughter.

[4] The Court of Sessions Judge, Imphal East passed an order for granting bail to the Petitioner on 17/12/2024. While granting bail, learned Sessions Judge, Imphal East observed that on the basis of the documents produced before the court, the complainant and her family had prior knowledge of the marital status of the accused with two daughters. Para8 is reproduced below:

*"8. I have perused the record and heard the LD PP for the State and Ld counsel for the accused. The FIR was registered by the complainant stating that the accused had relationship with the complainant y pretending to be a bachelor. However, documents which are mainly prints out of WhatsApp messages/text messages, legal notice sent by the wife of the accused with copy to the complainant etc are filed by the accused. Copy of the documents were furnished to the prosecution and the IO and opportunity was given to verify its contents. The IO stated in its report that she examined the mother and the sister of the complainant and they denied knowledge that they were aware the accused was married. However, nothing has been placed on the record to suggest the documents filed by the accused are fake/false documents. **The contents of the documents suggest the complainant not only knew about the martial status of the accused but also that he had two daughters.**"*

[5] Thereafter, the present petition is filed jointly by the petitioner as well as by the respondent no.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking for quashing of FIR No. 31(11) 2024 dated 08/11/2024 and the proceeding arisen thereon under Sections 64, 318 and 61(2) of Bharatiya Nyaya Sanhita, 2023 registered at the instance of Respondent No.2 against the petitioner in Women P.S. Imphal East.

[6] On 21/04/2025 this Court has impleaded the Officer-in-Charge, Women Police Station as respondent no. 3 in Cril. Petn. No. 21 of 2025.

[7] The respondent No.2 who is the complainant in the FIR against the petitioner, was present physically before this Court on 19/05/2025 and submitted that she intended to withdraw the complaint dated 08/11/2024

submitted to the Officer-in-Charge, Women Police Station, Imphal East District, Manipur. It is also stated that the Complaint was filed on misunderstanding and the petitioner and respondent No.2 have mutually agreed to close the case and she did not have any objection in quashing the FIR as prayed for by the petitioner.

[8] The learned counsel of the petitioner submitted that the said FIR dated 08/11/2024 was registered on account of some misunderstanding between the petitioner and respondent no. 2. The said misunderstanding has lately been sorted out by way of mutual understanding between the parties and the respondent voluntarily agreed to withdrawn the complaint against the petitioner pertaining to the said FIR and has decided not to proceed further in the matter. It is submitted that no useful purpose will be served in continuing with the proceedings or for permitting the said FIR to stand and any further proceeding in respect to the same will be sheer waste to scarce judicial time of the courts.

[9] The counsel of petitioner refers the following judgments to substantiate her plea for quashing of the FIR.

1. Gian Singh vs. State of Punjab and Ors.: MANU/SC/0781/2012

"50. In different situations, the inherent power may be exercised in different ways to achieve its ultimate objective. Formation of opinion by the High Court before it exercises inherent power Under Section 482 on either of the twin objectives, (i) to prevent abuse of the process of any court or (ii) to secure the ends of justice, is a sine qua non.

52. It needs no emphasis that exercise of inherent power by the High Court would entirely depend on the facts and circumstances of each case. It is neither permissible nor proper for the court to provide a straitjacket formula regulating the exercise of inherent

powers Under Section 482. No precise and inflexible guidelines can also be provided.

53. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court Under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under Indian Penal Code or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences

which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed."

2. Prithivirajan vs State rep. by the Inspector of Police and Another [2025 SCC Online SC 696]: Hon'ble Supreme Court held that when the failure to marry is due to some intervening circumstances beyond the control of the accused, it will not always amount to rape.

"6. This Court has time and again reiterated that only because physical relations were established based on a promise to marry, it will not amount to rape. For the offence of rape to be attracted, the following conditions need to be satisfied : first, the accused promised to marry the prosecutrix solely to secure consent for sexual relations without having any intention of fulfilling said promise from the very beginning; second, that the prosecutrix gave her consent for sexual relations by being directly influenced by such false promise of marriage.

7. The instant case is one of consensual relationship between the appellant and prosecutrix. Even otherwise, it does not appear from the record that the initial promise to marry allegedly made by the appellant was false to begin with. Perusal of FIR itself suggests that the alleged promise to marry could not be fulfilled by the appellant due to intervening circumstances. Consequently, the relationship ended because of which the present FIR came to be

registered. Under these circumstances, letting the appellant face trial would be nothing short of an abuse of the process of the Court. This cannot be permitted.

8. Hence, we allow this appeal and set aside the order of the High Court dated 29-6-202213.

9. Accordingly, the criminal proceedings arising out of FIR bearing Crime No. 1/2019 registered for the offences punishable under Sections 417, 376 & 506 Part I of the IPC, are hereby quashed."

[10] The learned counsel of the State respondent Mr. Y. Ashang has opposed the application filed jointly by the petitioner and Respondent No. 2. The learned PP has submitted that once the FIR was registered for committing heinous crime like rape on the basis of written report by the victim herself and the investigation is set in motion, neither the accused nor the complainant has any right to say that the FIR or criminal proceedings be quashed as the same was registered due to misunderstanding and that has been subsequently sorted out between the parties outside the court. The law is well settled that if the complainant wants to withdraw her case, she has to approach before the competent court u/s 280 BNSS, 2023 (Sec. 257 CrPC) for withdrawal but not for quashing the FIR/Proceeding in collusive manner under Section 528 BNSS.

[11] The learned PP for the State respondent has further stated that the case has been registered on the basis of the complaint report submitted by the complainant/respondent No. 2 and duly investigating as per the law. The present case pertains to be serious offence involving a crime against a woman and the sections invoked are non-compoundable in nature. It is further submitted that the prayer for quashing appears to be an attempt to bypass the due process of law and allowing such relief may defeat the interest of justice.

[12] This Court has gone through the materials on record, the submissions made at bar and the case law cited by the parties. This Court frames the main core issue:

Whether the non-compoundable serious offence could be quashed by the High Court on the basis of the amicable settlement between the accused and the victim, in exercising power under Section 528 of BNSS (Section 482 of CrPC)?

[13] It will be relevant to refer to some of the decisions on the power and jurisdiction of the High Court to quash FIR/complaint. Most of the judgments lay down law in this regard that this power is to be exercise in exceptional circumstances where the complaint does not make out a offence on the face of it, or the continuation of the criminal case will be an abuse of the process of law, or in order to do complete justice.

[14] The first case in quashing of criminal case can be related to the case of **R.P. Kapur v. State of Punjab, (1960) 3 SCR 388 : (1961) 1 SCJ 59 : 1960 Cri LJ 1239 : AIR 1960 SC 866**. A three Judge Bench of the Hon'ble Supreme Court for the first time held that while exercising power under Section 561-A of CrPC, 1898 [Section 482 of CrPC, 1973: Section 528 of BNSS, 2023] three types of criminal cases can be quashed if - (i) legal bar to proceedings, (ii) absence of any offence on plain reading of the complaint, and (iii) abuse of process of law. The relevant para is reproduced below.

"6. Before dealing with the merits of the appeal it is necessary to consider the nature and scope of the inherent power of the High Court under Section 561-A of the Code. The said section saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice. There is no doubt that this inherent power cannot be exercised in regard to matters specifically covered by the other provisions of the Code. In the present case the Magistrate before whom the police report has been filed under Section 173 of the Code has yet not applied his mind to the merits of the said report and it may be assumed in favour of the appellant that his request for the quashing of the proceedings is not at the present stage covered by any specific provision of the Code. It is well-established that the inherent jurisdiction of the High Court can be

exercised to quash proceedings in a proper case either to prevent the abuse of the process of any court or otherwise to secure the ends of justice. Ordinarily criminal proceedings instituted against an accused person must be tried under the provisions of the Code, and the High Court would be reluctant to interfere with the said proceedings at an interlocutory stage. It is not possible, desirable or expedient to lay down any inflexible rule which would govern the exercise of this inherent jurisdiction. However, we may indicate some categories of cases where the inherent jurisdiction can and should be exercised for quashing the proceedings. There may be cases where it may be possible for the High Court to take the view that the institution or continuance of criminal proceedings against an accused person may amount to the abuse of the process of the Court or that the quashing of the impugned proceedings would secure the ends of justice. If the criminal proceeding in question is in respect of an offence alleged to have been committed by an accused person and it manifestly appears that there is a legal bar against the institution or continuance of the said proceeding the High Court would be justified in quashing the proceeding on that ground. Absence of the requisite sanction may, for instance, furnish cases under this category. Cases may also arise where the allegations in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety, do not constitute the offence alleged; in such cases no question of appreciating evidence arises; it is a matter merely of looking at the complaint or the first information report to decide whether the offence alleged is disclosed or not. In such cases it would be legitimate for the High Court to hold that it would be manifestly unjust to allow the process of the criminal court to be issued against the accused person. A third category of cases in which the inherent jurisdiction of the High Court can be successfully invoked may also arise. In cases falling under this category the allegations made against the accused person do constitute offence alleged but there is either no legal evidence adduced in support of the case or evidence adduced clearly or manifestly fails to prove the charge. In dealing with this class of cases it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is manifestly and clearly inconsistent with the accusation made and cases where there is legal evidence which on its appreciation may or may not support the accusation in question. In exercising its jurisdiction under Section 561-A the High Court would not embark upon an enquiry as to whether the evidence in question is reliable or not. That is the function of the trial Magistrate, and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and contend that on a reasonable appreciation of the evidence the accusation made

against the accused would not be sustained. Broadly stated that is the nature and scope of the inherent jurisdiction of the High Court under Section 561-A in the matter of quashing criminal proceedings, and that is the effect of the judicial decisions on the point."

[15] In the leading case of **State of Haryana v. Bhajan Lal: 1992 Supp (1) SCC 335**, Hon'ble Supreme Court lays down seven situations where the FIR can be quashed exercising power under Article 226 of the Constitution of India or Section 482 of CrPC. Para 102 and 103 are reproduced below for ready reference.

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no

investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

[16] The question of permissibility of quashing of a non-compoundable offence has been considered by the Hon'ble Supreme Court in the case of **Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and Ors.: MANU/SC/0585/2012**. It was held that High Court should not refuse to quash criminal case only on the ground that the offences are non-compoundable. When the matter is settled between the parties, there will no chance of convicting the accused. In such cases, the continuation of criminal proceeding will be a futile exercise and it will be just an abuse of process of law. Para 7, 8 & 9 are reproduced for a clear understanding.

"7. The only question for consideration before this Court at this stage is that inasmuch as all those offences are not compoundable offences

Under Section 320 of the Code (except Section 420 of Indian Penal Code that too with the permission of the Court before which any prosecution for such offence is pending), whether it would be possible to quash the FIR by the High Court Under Section 482 of the Code or by this Court exercising jurisdiction under Article 136 of the Constitution of India?

8. The above question was recently considered by this Court in Shiji @ Pappu and Ors. v. Radhika and Anr. (2011) 10 SCC 705. The question posed in that case was "Whether the criminal proceedings in question could be quashed in the facts and circumstances of the case having regard to the settlement that the parties had arrived at." After advertng to Section 482 of the Code and various decisions, this Court concluded as under:

17. It is manifest that simply because an offence is not compoundable Under Section 320 Code of Criminal Procedure is by itself no reason for the High Court to refuse exercise of its power Under Section 482 Code of Criminal Procedure. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial court or in appeal on the one hand and the exercise of power by the High Court to quash the prosecution Under Section 482 Code of Criminal Procedure on the other. While a court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable Under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court Under Section 482 Code of Criminal Procedure are not for that purpose controlled by Section 320 Code of Criminal Procedure.

18. Having said so, we must hasten to add that the plenitude of the power Under Section 482 Code of Criminal Procedure by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power Under

Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with a petition Under Section 482 of the Code of Criminal Procedure. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.

9. On going through the factual details, earlier decision, various offences Under Section 320 of the Code and invocation of Section 482 of the Code, we fully concur with the said conclusion. In the case on hand, irrespective of the earlier dispute between Respondent No. 2-the complainant and the Appellant being Accused No. 3 as well as Accused Nos. 1 and 2 subsequently and after getting all the materials, relevant details etc., the present Appellant (Accused No. 3) sworn an affidavit with bona fide intention securing the right, title and interest in favour of Respondent No. 2 herein-the Complainant. In such bona fide circumstances, the power Under Section 482 may be exercised. Further, in view of the settlement arrived at between Respondent No. 2-the complainant and the Appellant (Accused No. 3), there is no chance of recording a conviction insofar as the present Appellant is concerned and the entire exercise of trial is destined to be an exercise in futility. Inasmuch as the matter has not reached the stage of trial, we are of the view that the High Court, by exercising the inherent power Under Section 482 of the Code even in offences which are not compoundable Under Section 320, may quash the prosecution. However, as observed in Shiji (supra), the power Under Section 482 has to be exercised sparingly and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. In other words, the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law."

[17] A Five-Judge Bench of the **Punjab and Haryana High Court in Kulwinder Singh and Ors. v. State of Punjab and Anr.** : **MANU/PH/0222/2007** was called upon to determine, inter alia, the question whether the High Court has the power under Section 482 of the Code to quash the criminal proceedings or allow the compounding of the offences in

the cases which have been specified as non-compoundable offences under the provisions of Section 320 of the Code. Such cases should not be confined to relating matrimonial cases. The five-Judge Bench referred to quite a few decisions of this Court and framed the following guidelines:

"30. In Dharmbir v. State of Haryana (supra), V.K. Bali, J. (minority view), while dealing with the judgment in B.S. Joshi's case (supra), observed as under:

The question framed and answered by the Hon'ble Supreme Court in B.S. Joshi's case (supra) pertinently relates to powers of the High Court under Section 482 Cr.P.C. and Article 226 of the Constitution of India in view of the bar created by Section 320(9) Cr.P.C., even though, as stated earlier, the matter pertained to matrimonial disputes. In my considered view, judgment in B.S. Joshi's case (supra), cannot be treated to be the only exception vesting the power with the High Court under Section 482 or Article 226 of the Constitution of India where FIR can be quashed relating to non-compoundable offence. In other words, it is not an exception to the power of the High Court under Section 482 of Code of Criminal Procedure relating to matrimonial disputes. To illustrate, if it was a case under Section 304B IPC where wife had died due to torture meted to her on account of demand of dowry, could it be said to be a dispute relating to matrimonial dispute where a compromise should be permitted and FIR quashed? If it was a case of cold blooded murder of wife by the husband for non fulfillment of his demands relating to dowry, could on compromise the High Court quash the FIR? In both the events, as mentioned above, answer to the question, to this Court, appears to be in the negative. To further illustrate by examples of disputes other than relating to marriage, like civil disputes between two brothers which had criminal overtones as well, would the decision in B.S. Joshi's case (supra) not apply? Where the property in dispute between close relatives, which is primarily of civil nature and has also genuine or belaboured dimension of criminal liability, could the decision be otherwise? If the dispute may pertain to old parents or business concerns with dealings over a long period which were predominantly civil and were given or acquired a criminal dimension but the parties were essentially seeking a redressal of their financial or commercial claims, could, the decision be otherwise. I have no doubt in my mind that in the matters related to the kind of categories mentioned above, the decision would have

been the same. If that be so, B.S.Joshi's case (supra) cannot be treated an exception for permitting the parties to command non-compoundable offence by permitting the High Court to quash FIR under Section 482 Cr.P.C.

31. The power under Section 482 of the Cr.P.C. cannot be a hostage to one class or category of cases. That would be a complete mis-construction of the intent of the Legislature, who placed its utmost faith in the inherent power of the High Court to break free the shackle of other provisions of the Code. to give effect to any order under it or to prevent the abuse of the process of any Court or otherwise to secure the ends of justice.

32. The wide amplitude of this provision of law cannot be diminished by any myopic interpretation and any straightjacket prescription .

33. Shri R.S. Cheema, learned Senior Advocate, who assisted the Bench as Amicus Curiae, highlighted the inadequacies of the criminal justice system in order to propound and promote the principle that under Section 482 of the Cr.P.C., the High Court can effectively exercise its power in an appropriate case and intervene to quash an F.I.R. even when the case discloses a non-compoundable offence and where the parties have voluntarily entered into a compromise. To illustrate, he submitted that the Legislature, in its wisdom, is seeking to introduce a pre-bargaining in the country and in this scenario, to curtail the power under Section 482 by reading into the provisions of law the non-existing lines would , indeed, be a travesty of justice, especially in view of the fact that there is a wide spread tendency in the society now to use the arm of criminal law to settle civil disputes and he reiterated certain contingencies which were also placed before the Bench during the course of hearing in Dharambir's case (supra). Some of the guidelines were as follows:

a. Cases arising from matrimonial discord, even if other offences are introduced for aggravation of the case.

b. Cases pertaining to property disputes between close relations, which are predominantly civil in nature and they have a genuine or belaboured dimension of criminal liability. Notwithstanding a touch of criminal liability, the settlement would bring lasting peace and harmony to larger number of people.

c. Cases of dispute between old partners or business concerns with dealings over a long period which are predominantly civil and are

given or acquire a criminal dimension but the parties are essentially seeking a redressal of their financial or commercial claim.

d. Minor offences as under Section 279 IPC may be permitted to be compounded on the basis of legitimate settlement between the parties. Yet another offence which remains non-compoundable is Section 506(II) IPC, which is punishable with 7 years imprisonment. It is the judicial experience that an offence under Section 506 IPC in most cases is based on the oral declaration with different shades of intention. Another set of offences, which ought to be liberally compounded, are Sections 147 and 148 IPC, more particularly where other offences are compoundable. It may be added here that the State of Madhya Pradesh vide M.P. Act No. 17 of 1999 (Section 3) has made Sections 506(II) IPC, 147 IPC and 148 IPC compoundable offences by amending the schedule under Section 320 Cr.P.C.

e. The offences against human body other than murder and culpable homicide where the victim dies in the course of transaction would fall in the category where compounding may not be permitted. Heinous offences like highway robbery, dacoity or a case involving clear-cut allegations of rape should also fall in the prohibited category. Offences committed by Public Servants purporting to act in that capacity as also offences against public servant while the victims are acting in the discharge of their duty must remain non-compoundable. Offences against the State enshrined in Chapter-VII (relating to army navy and air force) must remain non-compoundable.

f. That as a broad guideline the offences against human body other than murder and culpable homicide may be permitted to be compounded when the court is in the position to record a finding that the settlement between the parties is voluntary and fair.

34. While parting with this part, it appears necessary to add that the settlement or compromise must satisfy the conscience of the court. The settlement must be just and fair besides being free from the undue pressure, the court must examine the cases of weaker and vulnerable victims with necessary caution."

35. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the

Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice".

36. In Mrs. Shakuntala Sawhney v. Mrs. Kaushalya Sawhney and Ors. MANU/SC/0532/1979 : [1979]3SCR639 , Hon'ble Krishna Iyer, J. aptly summoned up the essence of compromise in the following words:

The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship of reunion.

37. The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice.

38. No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power under Section 482 of the Cr.P.C.

39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

41. *The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.*

42. *In the result, the minority view expressed by V.K. Bali,J. in Dharmbir's case (supra) is approved as it has brought out the essence of B.S. Joshi's case (supra) correctly and the majority view is over-ruled and the reference is answered accordingly.*

[18] In the recent case of **Pradeep Kumar Kesarwani vs State of Uttar Pradesh and another [Criminal Appeal No. 3831 of 2025 (Special Leave Petition (CRL.) No. 11642/2019)]**: (02.09.2025 - SC Order) : **MANU/SCOR/68068/2025**, Hon'ble Supreme Court considers the quashing of criminal case specially with respect to rape case and lays down four steps test.

"18. There is a clear distinction between rape and consensual sex and in a case where there is a promise of marriage, the Court must very carefully examine whether the accused had actually wanted to marry the victim, or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the latter falls in the ambit of cheating or deception.

19. *In the aforesaid context, we may refer to and rely upon the decision of this Court in the case of Deepak Gulati Vs. State of Haryana reported in 2013 Criminal Law Journal 2990. This Court made the following observations:*

"18. Consent may be express or implied, coerced or misguided, obtained willingly or through deceit. Consent is an act of reason, accompanied by deliberation, the mind weighing, as in a balance, the good and evil on each side. There is a clear distinction between rape and consensual sex and in a case like this, the court must very carefully examine whether the accused had actually wanted to marry the victim, or had mala fide motives, and had made a false promise to this effect only to satisfy his lust, as the latter falls within a ambit of cheating or deception. There is a distinction between the mere breach of a promise, and not fulfilling a false promise. Thus, the court must examine whether there was made, at an early stage a false promise of marriage by the accuse; and whether the consent involved was given after wholly, understanding the nature and consequences of sexual indulgence. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused, and not solely on account of mis-representation made to her by the accused, or where an accused on account of circumstances which he could not have foreseen, or which were beyond his control, was unable to marry her, despite having every intention to do so. Such cases must be treated differently. An accused can be convicted for rape only if the court reaches a conclusion that the intention of the accused was mala fide, and that he had clandestine motives.

21. Hence, it is evident that there must be adequate evidence to show that at the relevant time, i.e. at initial stage itself, the accused had no intention whatsoever, of keeping his promise to marry the victim. There may, of course, be circumstances, when a person having the best of intentions is unable to marry the victim owing to various unavoidable circumstances. The "failure to keep a promise made with respect to a future uncertain date, due to reasons that are not very clear from the evidence available, does not always amount to misconception of fact. In order to come within the meaning of the term misconception of fact, the fact, the fact must have an immediate relevance." Section 90, IPC cannot be called into aid in such a situation, to pardon the act of a girl in entirety, and fasten criminal liability on the other, unless the court

is assured of the fact that from the very beginning, the accused had never really intended to marry her."

(Emphasis supplied)

20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:—

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.

21. The fact that the complainant thought fit not to even accept the notice issued by this Court is one additional ground that she was not at

all serious right from day one i.e. since the time she decided to lodge the complaint.

22. We need not say anything further in the matter as we are of the view that continuation of the criminal proceedings against the appellant would be nothing but gross abuse of the process of law.

23. In such circumstances, the High Court should have exercised its inherent powers under Section 482 of the Code for quashing of the criminal proceedings.”

[19] From the above decisions, it is seen that as held in **R P Kapur (supra)**, the FIR/complaint case can be quashed by the High Court in exercise of its inherent power if on plain reading of the complaint, the same does not disclose any offence, or it is barred by any law; or the criminal proceeding will be an abuse of the process of law. This dictum has been followed consistently by the courts and in the famous case of **Bhajan Lal (supra)**, Hon’ble Supreme Court expanded these three conditions to seven situations where criminal case can be quashed by the High Court. It is added that non-cognizable offences can also be quashed. Recently in the month of September, 2025 Hon’ble Supreme Court has laid down four steps test for quashing of criminal proceedings in the case of **Pradeep Kumar Kesarwani (supra)**. The latest case deals with rape case on false promise to marry. It is held that there is a clear distinction between rape and consensual sex on the promise of marriage and in such circumstances, the court has to be very careful to examine whether the promise to marry was genuine or not. The conduct of the complainant is also a very important aspect to be considered in a petition for quashing criminal proceeding. In the recent case of **Prithvirajan (supra)**, Hon’ble Supreme Court has observed that all physical relationships on the basis of promise to marry will not amount to rape, unless the promise was solely to secure consent of the victim without any intention of marrying and the victim gave her consent influenced by such false promise of marriage. In the case of **Gian Singh**

(supra), Hon'ble Supreme Court considered the principle of quashing of criminal proceeding of non-compoundable offences on the basis of subsequent settlement of the case between the parties. It was held that for exercising the power under Section 482 CrPC for quashing of criminal proceedings, there can be no straitjacket formula and it will depend on the facts and circumstances of each case. The twin objectives of (i) to prevent abuse of the process of any court or (ii) to secure the ends of justice, is a sine qua non. If any offender is not likely of being convicted upon settlement between the parties, High Court may quash criminal complaint/FIR in such situation even for serious offence, as justice will be the casualty and ends of justice will be defeated. In short, impossibility of being convicted upon settlement between parties is also a genre of ground for quashing the criminal case. The present case has to be examined within the prism of these broad guidelines laid down by various decisions of Hon'ble Supreme Court.

[20] In the case in hand, the petitioner (accused) and the respondent No.2 (complainant) developed love affairs since the year 2022 and they had even planned marriage at Imphal on 08/11/2024 and the petitioner transferred a sum of Rs.1 lakh to the complainant for booking hotel for organising the marriage ceremony. As per the complaint, the complainant herself cancelled the marriage on having knowledge that the petitioner was a married person with two daughters. In para 8 of the bail order of the accused, learned Sessions Judge has observed that the complainant and her family members were aware of the factum of marital status of the accused with two daughters. The reason for cancellation of the marriage proposed on 08/11/2024 was done by the complainant herself due to the marital status of the accused and there was no allegation that the accused did not honour his promise to marry. From the materials on record, it is seen that the accused even transferred a sum of rupees one lakh to the complainant for booking hotel for the planned marriage and

other expenses. There was no fault on part of the accused in cancelling the marriage proposed on 08/11/2024 and it was the complainant herself who cancelled the marriage. Rather, the accused was ever ready to keep his promise to marry the complainant till the date of filing the complaint on 08/11/2024.

[21] The complainant has now realised her mistake of lodging FIR for rape on false promise to marry, when she had grievances against the accused on coming to know that he was a married person with two daughters. This aspect is clear from bare perusal of this unusual present petition signed both by the accused (petitioner) and complainant (respondent No.2) accompanied by separate affidavits. Even though there is no pleading in this regard, Ms. Sonal Singh, learned counsel for the petitioner submits during the course of hearing that there is a divorce case between the petitioner and his wife and as soon as decree of divorce is obtained, the accused and the complainant are planning to get married.

[22] On bare perusal of the complaint lodged by the respondent No.2 to the Women PS of Imphal East, it is seen that the accused did not backtrack from the promise to marry and it was the complainant herself who cancelled the marriage proposed on 08/11/2024. The accused even transferred the expenses for the marriage to the complainant. The criminal proceeding will be just a formality and the accused will not be convicted on the charge of rape on false promise. Since the complainant herself also signed the petition for quashing and made statement before this Court on 19/05/2025 that she intended to withdraw the complaint lodged by her as the same was filed on misunderstanding. This Court does not find any merit in the submission of learned PP that the accused should approach the Magistrate under Section 280 of BNSS for withdrawing the complaint. It may be noted that the warrant case initiated on a police report cannot be withdrawn in any circumstances and Section 280 of BNSS deals with withdrawal of summon case before the

Magistrate. Cases triable by a Sessions Court cannot be withdrawn and at most, the trial court can discharge the accused from such charges on consideration of the materials produced by the prosecution. Since the complaint does not makes out any offence on the face of it and on the submission of the complainant that the complaint was filed on misunderstanding and taking into consideration of her statement that both parties have settled amicably their difference, this Court of the opinion that the continuation of the criminal case initiated by the complainant through FIR No. 31(11)2024 Women PS, Imphal East under Sections 64/318/61(2) BNS, 2023 will be nothing but an abuse of process of law.

[23] For the reasons recorded in para 22 above and in order to do complete justice, this Court, in exercise of the power under Section 528 of BNSS, 2023, quashed the FIR No. 31(11)2024 Women PS, Imphal East under Sections 64/318/61(2) BNS, 2023 and all connected proceedings pending before the trial court including investigation conducted by the police. The criminal petition is allowed and disposed of. No cost.

JUDGE

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