

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16342 of 2020

Arising Out of PS. Case No.-690 Year-2010 Thana- SAMASTIPUR District- Samastipur

Hemant Kumar Singh (M), aged about -46 years, S/o Chandra Shekhar Singh,
Resident of Village- Sahiyar, P.S.- Rosra, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Rani W/O late Divendra Prasad Singh W/O late Divendra Prasad Singh, R/O-Anusewika, civil court,samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
For the O.P. No. 2	:	Mr. Nilesh Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-12-2025 Heard learned counsel appearing on behalf of the petitioner; learned counsel for the opposite party no. 2 and learned APP for the State.

2. The petitioner has preferred application under Section 482 of BNSS for quashing the order taking cognizance dated 17.06.2011 passed by the learned C.J.M., Samastipur in Samastipur Town P.S. Case No. 690 of 2010, by which learned C.J.M., Samastipur has taken cognizance of offence under Sections 420, 406, 467, 468 and 120(B) of the Indian Penal Code; order dated 26.06.2019 passed in Criminal Revision No. 575 of 2015, which was preferred against the order dated 21.07.2015 passed by the learned C.J.M., Samastipur under



Section 239 Cr.P.C. and to quash the order dated 21.07.2015 passed by learned C.J.M., Samastipur under Section 239 Cr.P.C.

3. It has been informed by learned counsel appearing on behalf of the opposite party no. 2 that a cheque bearing Cheque No. 572224 amounting to Rs. 51,000/- has been handed over to him in the Court in person by the petitioner in presence of Mr. Shashank Chandra, learned counsel appearing on behalf of the petitioner.

4. The parties have desired that they don't want to litigate further and to buy piece of mind, the opposite party no. 2 wants to withdraw the criminal prosecution pending against the petitioner in the Court of learned C.J.M., Samastipur in connection with Samastipur Town P.S. Case No. 690 of 2010.

5. Heard the parties.

6. Considering the aforesaid information that a cheque bearing Cheque No. 572224 amounting to Rs. 51,000/- has been handed over to learned counsel for the O.P. No. 2 in the Court in person by the petitioner in presence of Mr. Shashank Chandra, learned counsel appearing on behalf of the petitioner, I find that further proceeding against the petitioner will amount to abuse of process of law.

7. In this regard, the Apex Court in the case of



Narinder Singh & Ors. vs. State of Punjab reported in (2014) 6

SCC 466, in paragraphs no. 29, 29.1, 29.2, 29.3, 29.4, 29.5 and

29.7 has held as follows:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for the offences alleged to have been committed under special statute 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.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of



conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

8. In view of the admitted position that the O.P. No. 2 has accepted the settled amount of Rs. 51,000/- in open Court and the law laid down by the Apex Court in the case of ***Narinder Singh (Supra)*** and ***Naushey Ali & Ors. Vs. State of U.P., reported in (2025) 4 SCC 78***, learned District Court is directed to drop the proceeding pending against the petitioner in



connection with Samastipur Town P.S. Case No. 690 of 2010.

9. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

