

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41413 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sunil Kumar S/O Naval Kishor Singh R/O Jamalpur, P.S. Naubatpur Korawan, Dist.-Patna, Bihar- 801109.
 2. Subham Kumar S/O Sunil Kumar R/O Jamalpur, P.S- Naubatpur. Korawan, Dist.-Patna, Bihar- 801109.
 3. Ribu Kumari @ Ripu Devi @ Rupu Devi W/O Sunil Kumar R/O Jamalpur, P.S.- Naubatpur, Korawan, Dist.- Patna, Bihar- 801109.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabindra Kumar Sharma S/O Late Suryadev Singh R/O Village- Sakin Jamalpur, P.S- Naubatpur, Distt.- Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Adv
	:	Ms. Megha, Adv
	:	Mr. Kaustubh, Adv
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP
For the O.P. No. 2	:	Mr. Shailesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 16-07-2025

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The present quashing petition has been preferred to quash the order dated 15.02.2023 passed in Complaint Case No. 386 C of 2022, where learned Judicial Magistrate, First Class, Danapur took cognizance for the offence punishable under Sections 323, 504 and 379/34 of the Indian Penal Code against the petitioners.

3. The case of prosecution in brief is that



complainant, Rabindra Kumar Sharma resident of Jamalpur, Patna, alleged that on 01.04.2022, five armed individuals including Sunil Kumar, Shubham Kumar, Ribu Devi and two unknown persons forcibly entered his house, assaulted him and his wife Urmila Devi and dragged her by hair and also almost disrobed her with attempt to steal her golden chain worth Rs. 50,000/-. The assailants also scuffled with neighbors, vandalized the complainant's adjacent property, looted belongings including important documents. Sunil Kumar allegedly fired a shot intending to kill the complainant, which missed him.

4. Without exploring the avenue of available merits, learned counsel appearing on behalf of petitioner straightaway submitted that matter appears compromised between the parties and they amicably settled the issue. It is submitted that compromise filed before this Court under joint signature of the parties on affidavit dated 09.07.2025. It is submitted by learned counsel that in view of compromise continuing with the present proceedings before the court below would only amount to abuse of the process of court of



law, therefore, same is fit to quashed and set aside. It is submitted by learned counsel that in view of compromise Naubatpur P.S. Case No. 197 of 2022 dated 04.04.2022 filed under Sections 341, 323, 354-B, 379 and 504/34 of the IPC, as lodged by petitioner no. 3 against O.P. No. 2 be also quashed and set aside.

5. It is submitted by learned counsel for the petitioner that despite compromise as discussed aforesaid, certain offences are of such nature, which is non-compoundable under the law, but by taking note of nature of accusations in the background of the occurrence, in view of legal ratio of Hon'ble Supreme Court as available through **Naushey Ali and Ors. Vs. State of U.P. and Anr. (2025 SCC OnLine SC 292)**, same are also fit to be quashed/set aside.

6. The factum of compromise as submitted above also approved by Mr. Shailesh Kumar learned counsel appearing for O.P. No. 2. It is submitted that he has no objection of compromise if criminal proceedings be quashed in view.



7. It would be apposite to reproduce para no(s).
2, 3 and 4 of the compromise executed between the parties
on affidavit dated 09.07.2025, which is as under :-

2. That present Joint Compromise affidavit is being filed with a view to withdraw the cases filed by both parties against each other under intervention of well wishers and in view of order dated 30.06.2025 passed by the Hon'ble Court.

3. That both the parties are agnates and dispute arose between them due to partition of properties which lead to filing of criminal cases between each others.

An FIR vide Naubatpur P.S. Case no. 197/2022 dated 04.04.2022 u/S 341,323,354(B),379,504/34 IPC was filed by the deponent Ribu Kumari @ Ribu Devi (petitioner no. 3) against 1. Bablu Sharma @ Rajeev Ranjan 2. Rabindra Kumar Sharma 3. Shyam Kishore Kumar 4. Urmila Devi @ Urmila Sharma 5. Kamlesh Sharma @ Kamlesh Prasad 6. Rintu Kumar @ Brajesh Kumar 7. Sintu Kumar @ Rajesh Kumar and 8. Pinku Kumar @ Avinash Kumar Sharma in which charge sheet was submitted and cognizance was taken u/S 341,323,504/34 IPC only. This case is currently pending in the Court of Smt. Rita Bhardwaj, J.M. 1st Class, Danapur (Court No. 7).

Secondly a Complant Case vide Complaint Case No. 386 (C)/2022 w/S



341,323,54,506, 452, 380, 354,427,307/34 IPC dated 04.04.2022 was filed by the complainant opposite party no. 2 Rabindra Kumar Sharma against 1. Sunil Kumar 2. Subham Kumar and 3. Ribu Devi @Ribu Kumari in which cognizance has taken w/S 323,504,379/34 IPC and presently the case is pending in the Court of Smt. Sanchita Chaudhary, J. M. 1 Class, Danapur (Court No. 12).

4. That it is settled between the parties that Ribu Kumari @ Ribu Devi will file a withdrawal petition in the Court of Smt. Rita Bhardwaj. J. M. 1st Class, Danapur (Court No. 7) just after disposal of the present quashing application for withdrawal of Naubatpur P.S. Case No. 197/2022 dated 04.04.2022 and same will withdraw against all the accused persons of the case. While Rabindra Kumar Sharma will withdraw Complaint Case No. 386(C) /2022 dated 04.04.2022 by filing of a withdrawal petition in the Court of Smt. Sanchita Chaudhary, J. M. 1ST Class, Danapur (Court No. 12) just after disposal of the present quashing application and the same will withdraw against all accused persons of the case.

8. It would be apposite to reproduce para 21 of the **Naushey Ali Case (supra)**, which reads as under:

21. In State of M.P. v. Laxmi Narayan [State of



M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706] , after discussing the ratio in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] and other judgments, this Court held : (Laxmi Narayan case [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706] , SCC pp. 704-705, para 15)

“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 307IPC 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 307IPC 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 307IPC 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 307IPC 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 307IPC. 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 [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 [Ed. : Para 15.5 corrected vide Official Corrigendum No. F.3/Ed.B.J./22/2019 dated 3-4-2019.] . 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.”

9. In view of aforesaid factual and legal submission and by taking note of fact as parties settled their disputes and differences by way of compromise and also by taking guiding note of **Naushey Ali Case (supra)**, the impugned cognizance order dated 15.02.2023 pending before learned Judicial Magistrate, 1st Class, Danapur in connection



with Complaint Case No. 386 (C) of 2022 *qua* petitioners is hereby quashed/set-aside.

10. Taking submission *qua* compromise as advanced by the parties Naubatpur P.S. Case No. 197 of 2022 pending before learned Judicial Magistrate, 1st Class, Danapur is also hereby quashed/set aside to secure the ends of justice by exercising the power under Section 482 of the Cr.P.C.

11. Accordingly, quashing petitions stands allowed.

12. Let a copy of this judgment be sent to the learned trial courts forthwith, as indicated above.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.07.2025
Transmission Date	17.07.2025

