IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 315 of 2022

1. Santosh Kumar Upadhyay @ Santosh Kr. Upadhyay @ Santosh Upadhyay @ Santosh Kumar Upadhayay, aged about 47 years, son of Nirmal Kumar Upadhyay @ N.K. Upadhyay, resident of Village-Nawadih, P.O.-B. Polytechnic, P.S.-Dhanbad, Dist.-Dhanbad
2. Nirmal Kumar Upadhayay, aged about 77 years, son of late Chandra Shekhar Upadhyay, resident of Village-Bartand, Nawadih, P.O.-B. Polytechnic, P.S.-Dhanbad, Dist.-Dhanbad

.... Petitioners

Versus

1. The State of Jharkhand
2. Surendra Kumar, son of Sri Dineshwar Prasad, resident of Quarter No.1229, Sector 6-B, P.O. & P.S.-Bokaro Steel City, Dist.-Bokaro

…. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioners : Mrs. Jasvindar Mazumdar, Advocate
For the State : Mr. Shailendra Kr. Tiwari, Spl. P.P.
For O.P. No.2 : Mr. Ajmal Ashraf Khan, Advocate
: Ms. Aulia Begam, Advocate

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. with the prayer to quash the entire criminal proceeding including the order dated 02.11.2017 passed by the learned Chief Judicial Magistrate, Dhanbad in connection with Dhanbad P.S. Case No.1092 of 2012,

corresponding to G.R. No. 4250 of 2012 of the court of Chief Judicial Magistrate, Dhanbad.

3. It is submitted by the learned counsel for the petitioners that charge has not yet been framed in this case and trial is yet to begin.

4. Learned counsel for the petitioners and the learned counsel for the opposite party no.2 jointly drawing attention of this Court to the Interlocutory Application No.14636 of 2025 which is supported by separate affidavits of both the petitioners and the informant-opposite party no. 2 submits that therein it has categorically been stated that the petitioners and the informant have entered into a compromise with the intervention of well-wishers and close relatives and settled the matter outside the Court. It is next jointly submitted by the learned counsel for the petitioners and the learned counsel for the opposite party no.2 that the informant-opposite party no.2 does not want to proceed with the case and the dispute between the parties is basically a civil dispute. It is further jointly submitted by the learned counsel for the petitioners and the learned counsel for the opposite party no.2 that no public policy is involved in this case and as compromise has entered into between the parties, the chances of conviction of the petitioners is remote and bleak. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

5. Learned Spl. P.P. submits that the State has no objection to the prayer as made in this criminal miscellaneous petition, in view of the compromise between the parties.

6. Having heard the submissions made at the Bar and after going through the materials 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 and Others vs. State of Gujarat and 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)*
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> > *"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)

7. Perusal of the record reveals that the offences involved in this case are neither heinous offence nor is there any serious offence of

mental depravity involved in this case. The institution of the criminal case is a result of some misunderstanding between the parties which has been amicably settled between the parties. In view of the final settlement between the parties; the continuation of this criminal proceeding will cause hardship to the petitioners.

8. Considering the aforesaid facts, this Court is of the considered view that this is a fit case where the entire criminal proceeding including the order dated 02.11.2017 passed by the learned Chief Judicial Magistrate, Dhanbad in connection with Dhanbad P.S. Case No.1092 of 2012, corresponding to G.R. No. 4250 of 2012 be quashed and set aside *qua* the petitioners.

9. Accordingly, the entire criminal proceeding including the order dated 02.11.2017 passed by the learned Chief Judicial Magistrate, Dhanbad in connection with Dhanbad P.S. Case No.1092 of 2012, corresponding to G.R. No. 4250 of 2012 is quashed and set aside *qua* the petitioners.

10. In the result, this criminal miscellaneous petition is allowed.

11. Consequently, the interlocutory application no.14636 of 2025 is disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 2nd December, 2025
AFR/Sonu-Gunjan/-

Uploaded on 08/12/2025