IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3668 of 2025

Gayas Ansari @ Gayasuddin, S/o Md Sarif, aged about 51 years, resident of village- Konharakala, P.O + P.S- Barkatha, District-Hazaribag, Jharkhand.

..... Petitioner

Versus

1. The State of Jharkhand
2. Najma Khatun W/O Mohammad Badru Ansari, Resident of village-Konhara kala, P.O + P.S- Barkatha, District-Hazaribag, Jharkhand.

….. Opposite Parties

For the Petitioner : Mr. Md. Sajid Yunus , Adv.
For the State : Mr. Manoj Kr. Mishra , Addl. PP
For the O.P. No. 2 : Mr. Md. Ayub Ansari , Adv.

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 BNSS with the prayer for quashing and setting aside the entire criminal proceeding including the FIR in connection with Barkatha P.S. case no. 176 of 2024 registered for the offences punishable under Sections 191 (2), 191 (3), 190, 118(1), 109 of BNS, pending in the court of learned JMFC, Hazaribag.

3. Learned counsel for the petitioner and learned counsel for the opposite party no. 2- informant victim jointly drawing attention of the court to the Interlocutory Application no. 16720 of 2025, which is supported by separate affidavits of the petitioner as well as the opposite party no. 2- informant submitted that therein it has categorically been mentioned that the dispute between the parties has already been settled outside the court, hence, the informant does not want to proceed with the case. It is next submitted that both the parties are residing in the same locality in the

neighbourhood. It is next submitted that the occurrence took place on the sudden provocation in respect of a petty issue of grazing of cattle in the field but the petitioner had no intention to kill anybody. It is further submitted that the dispute between the parties is a private dispute and no public policy is involved in the present case. It is further submitted that the allegations against the petitioner are all false. It is further submitted that in view of the full and final settlement between the petitioner and the opposite party no. 2, the opposite party no. 2 is not desirous to proceed with the case and the chance of the conviction of the petitioner is remote and bleak hence, continuation of the criminal proceeding will amount to abuse of the process of the court, hence, it is submitted that entire criminal proceeding including the FIR in connection with Barkatha P.S. case no. 176 of 2024 be quashed and set aside.

4. Learned Addl. PP submits that the State has no objection to the prayer of the petitioners to quash and set aside the entire criminal proceeding including the FIR in connection with Barkatha P.S. case no. 176 of 2024 in view of the compromise between the parties.

5. Having heard the submissions made at the Bar and after 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 ***Narinder Singh and Others vs. State of Punjab & Another*** reported in ***(2014) 6 SCC 466,*** in paragraph 29, has laid down the 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 Cr.P.C. while accepting the settlement and quashing the proceedings which, reads as under:

> "**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.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC 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 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. 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. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

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." (Emphasis supplied)

6. Now coming to the facts of the case, it is needless to mention that the dispute between the parties, is overwhelmingly and predominantly has a civil character and in view of compromise between the parties, the possibility of conviction of the petitioner is remote and bleak and continuation of the case would put the accused to oppression and prejudice and extreme injustice would be caused by not quashing this criminal case and continuation of the criminal proceeding will amount to abuse of the process of law and in the interest of the justice, the entire criminal proceeding be quashed and set aside *qua* the petitioner.
7. Accordingly, the entire criminal proceeding including the FIR in connection with Barkatha P.S. case no. 176 of 2024 is quashed and set aside *qua* the petitioner.
8. In the result, this Criminal Miscellaneous Petition is allowed and in view of the disposal of this petition, the interlocutory application no. 16720 of 2025 also stands disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 20th December, 2025
Smita / AFR
Uploaded on 08.01.2026