

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63135 of 2025

Arising Out of PS. Case No.-206 Year-2025 Thana- RAMPUR District- Gaya

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1. Kamal Kishore Prasad Son of Sh. Yadunandan Prasad R/o 166, S-03, Gyan Khand - 1, Indirapuram, Shipra Sun City, Ghaziabad, Uttar Pradesh, 201014.
 2. Panka Kumar Son of Sh. Kamal Kishore Prasad R/o 166, S-03, Gyan Khand - 1, Indirapuram, Shipra Sun City, Ghaziabad, Uttar Pradesh, 201014.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mr. Santosh Kumar Son of Avadh Kishore Prasad R/o Mohalla Imliyachak, P.S. - Rampur, Dist. - Gaya, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Sumit Kumar Bubna, Advocate Mr. Vikalp Sharma, Advocate Mr. Sumit Kumar, Advocate
For the Opposite Party/s	: Mr. Vinod Shanker Modi, APP
For the Respondent No. 2	: Mr. Satyaveer Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 19-01-2026

Heard learned counsel for the petitioners and the learned

APP appearing on behalf of the State.

2. The present application has been filed under Section 528 of the Bharatiya Nagrik Surakasha Sanhita, 2023(hereinafter referred to as “BNSS”) seeking quashing of the FIR bearing Rampur P.S. Case No. 206 of 2025 dated 29.04.2025 registered for the offences punishable under Sections 316, 318, 338, 336, 340 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”) and all consequent proceedings emanating therefrom.



3. Prosecution case, in brief, as per informant is that an agreement between the informant and Smt. Madhuri Devi @ Madhuri Nayan was made for the purpose of one property for a total consideration amount of Rs. 70,00,000/-, Pursuant thereto, an MOU was allegedly executed between Madhuri Devi and the informant and an initial sum of Rs. 14,50,000/- was paid by the informant to the said individuals on the same date. On 09.04.2009, the petitioner No. 1 has prepared an unregistered power of attorney in favour of Dr. Ramavatar Singh and Smt. Anju Singh for limited purposes. It is alleged in the FIR that Dr. Ramavatar Singh and Mrs Anju Singh handed over the original unregistered power of attorney dated 09.04.2009 to the informant. It is further alleged that between 18.11.2020 to 05.03.2024, the informant is stated to have made further payments to Smt. Madhuri Devi @ Madhuri Nayan, both in cash and through cheques, aggregating to Rs. 53,32,000/- towards the agreed sale consideration. At the time of execution of the said agreement, Smt. Madhuri Devi is stated to have assured the informant that the aforesaid property belongs to the petitioner No.1 and that she had acquired ownership thereof from Dr. Ramavatar Singh and Smt. Anju Singh. Thereafter it is alleged that Smt. Madhuri Devi, Dr. Ramavatar Singh, Sh. Rajiv Nayan, Smt. Anju Singh and Sri Jay Prakash Nayan took informant to the residence of petitioner No.1 where both the petitioners were present and during



the said meeting it is stated that Smt. Madhuri Devi and others proposed that the property be converted into freehold for which an amount of Rs. 7,25,000/- would have to be deposited online and further sum of Rs. 40,00,000/- be paid to the petitioner No.1, only thereafter the said property would be transferred in favour of informant. On 07.10.2023, the informant has paid the said amount in cash to the petitioner and his son and on the same day the original allotment letter and original lease deed pertaining to the said property were allegedly handed over to the informant. On 08.12.2023 Rs. 4,00,000/- and on 11.12.2023 Rs. 3,25,000/- was sent to the account of accused petitioner No.1 through R.T.G.S. towards the payment of the conversion fee required for converting the leasehold property into freehold. The petitioner No.1 thereafter remitted the said amount to the Bihar State Housing Board (BSHB). On 11.12.2024, the informant came to know that the petitioner No.1 has collected the registered documents from the Bihar State Housing Board. On 19.01.2025 when informant visited the residence of the petitioner in Gaziabad, both the accused persons threatened him with dire consequences and categorically refused to execute the sale deed in his favour.

4. Learned counsel for the petitioners at the outset submits that he has brought the settlement agreement on record through a supplementary affidavit. It has been submitted that settlement has



been arrived between the parties and therefore continuation of the present proceedings would amount to abuse of the process of law.

5. It has been submitted that in view of the settled law as enumerated in case of **Gian Singh v. State of Punjab** reported in **(2012) 10 SCC 303**, paragraph -61 of the same reads as under:

“61. The position that emerges from the above discussion can be summarised thus : 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.”

6. In case of ***Narinder Singh and Ors. vs. State of Punjab and Anr*** reported in ***(2014) 6 SCC 466***, paragraph -29.4 of the same reads as under:

“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.”

7. In view of the aforesaid settled proposition of law, the continuation of the criminal proceedings between the parties would amount to abuse of the process of law and as such the FIR bearing Rampur P.S. Case No. 206 of 2025 is, hereby, quashed.

8. The application stands allowed.

(Sourendra Pandey, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2026
Transmission Date	27.01.2026

