

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67927 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- SOHSARAI District- Nalanda

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1. Vicky Kumar @ Vivek Kumar Son of Anil Mahto @ Anil Kumar Resident of village- Ashanagar, Ps- soh Sarai, Dist- Nalanda
 2. Vishal Kumar son of Anil Mahto @ Anil Kumar Resident of village- Ashanagar, Ps- soh Sarai, Dist- Nalanda
 3. Saurabh Kumar Son of Satish Prasad Resident of village- Ashanagar, Ps- soh Sarai, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rohit Kumar son of Kishori Prasad Resident of village- Kakhada, Ps- Noorsarai, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amitabh Rituraj, Advocate
For the Opposite Party/s	:	Md. Matloob Rab, APP
For the Informant	:	Ms. Monika Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 05-02-2026 Heard the learned counsel for the parties.

2. The present application has been filed for quashing the F.I.R. dated being Soh Sarai P.S. Case No. 144 of 2025 dated 31.05.2025 registered under Sections 303(2), 126(2), 115(2), 109, 308(2), 352, 351(2) and 3(5) of the B.N.S.

3. At the outset, learned counsel appearing on behalf of the petitioners as well as the O.P. No. 2 have jointly submitted that the parties have compromised with the intervention of well-wishers. It has been submitted that barring Section 109 of the B.N.S., rest all of the sections are



compoundable and in view of the nature of offences, which are entirely personal and does not shakes with the public conscience, the continuation of proceedings would be utterly futile. It has further been submitted by the learned counsel for the respective parties that both the parties are not interested in pursuing the matter and as such the present application may be allowed and the proceedings arising out of Soh Sarai P.S. Case No. 144 of 2025 be quashed.

4. Learned APP for the State submits that there is a serious offence alleged against the petitioners and as such the question of compromise does not arise.

5. Upon considering the submissions made by the learned counsel for the respective parties and taking into account the compromise petition, which has been brought on record by way of Annexure-P/2, it would be evident that the parties have indeed compromised and looking at the nature of offences, it would appear that it was an act committed by the petitioners against the informant and not against public policy. It has lastly been submitted that the continuation of the proceedings would amount to abuse of process of law.

6. Considering the settled principle of law as enumerated by the Hon'ble Supreme Court 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.”

7. 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.”

8. 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 Soh Sarai P.S. Case No. 144 of 2025 is, hereby, quashed.

9. The application stands allowed.

(Sourendra Pandey, J)

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