2026:MNHC:270

REPORTABLE
Item No. 22 - 23

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

CRIL. PETN. No. 26 of 2020

Shri Pradip Thounaojam, aged about 32 years, S/O Th. Birchandra Singh, a resident of Keishamthong Maning Longjam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

... Petitioner

- versus -

1. The State of Manipur represented by the Officer-in-Charge, Women Police Station, Porompat, Imphal East.

2. Moirangthem Tajmony @ Niki, D/O Late Moirangthem Gopal Singh of Keishamthaong Leimajam Leikai, Imphal West District, Manipur.

... Respondents

With
MC[CRIL. PETN.] No. 50 of 2026

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner	:	Mr. Y. Nirmolchand, Senior Advocate assisted by Mr. L. Raju and Mr. U. Augusta, Advocate
For the respondents	:	Mr. H. Samarjit, Public Prosecutor; Mr. Y. Daljeet, Advocate Mr. Heely, Advocate [R-2]
Date of Hearing & Order	:	19.11.2026

JUDGMENT & ORDER
(ORAL)

[1] Heard Mr. Y. Nirmolchand, learned senior counsel assisted by Mr. L. Raju and Mr. U. Augusta, learned counsel appearing for the petitioner; Mr. H. Samarjit, learned PP appearing for the State respondent No. 1 and Mr. Y. Daljeet, learned counsel along with Mr. Heely, learned counsel appearing for the respondent No. 2.

[2] Present petition, under Section 482 of Code of Criminal Procedure, 1973, has been filed by the petitioner for quashing the FIR No. 12(07)2020 Women P.S., Imphal East Under Sections 417, 500, 504, 506 and 376 IPC. The FIR was registered on basis of a complaint dated 17.07.2020 lodged by respondent No. 2 herein.

[3] The ground raised for filing the present petition is that the offences mentioned in the FIR are not made out and the dispute arises out of failed relationship between the petitioner and respondent No. 2 who had earlier live-in relationship for two years in Goa and due to the incompatibility between the parties, marriage could not be materialised. It is stated that charge sheet has also been filed; and the matter is registered as Special Trial Case No. 7 of 2024; and the same is pending before the Ld. Sessions Judge, Imphal West; and the stage is for recording of witnesses. During the pendency of the present petition and trial before the Ld. Sessions Judge, Imphal West, the respondent No. 2 has filed an application being MC(CRIL. PETN.) No. 50 of 2026 with a prayer to drop

the criminal proceeding against the petitioner on the ground that she has been married to another person and pendency of the criminal case has caused trauma to her and disturbed the cordial married life; and she condoned the act of the petitioner; and the criminal case may be closed.

[4] Mr. Y. Daljeet, learned counsel appearing for the respondent No. 2 submits that due to subsequent development, the complainant/respondent No. 2 is no longer willing to pursue the criminal case; and she wants to put a decent burial of the controversy to lead a normal married life.

[5] Mr. H. Samarjit, learned PP appearing for the State respondent submits that the offence under Section 376 IPC is a serious offence and generally the Court has to be slow in interfering with such cases in exercise of inherent power under Section 482 of CrPC. However, taking consideration of subsequent event that both the petitioner and respondent No. 2 have married to different persons and unwillingness of the respondent No. 2 to pursue the criminal case initiated by her against the petitioner, this Court may consider this case in view of its peculiar facts and pass appropriate order.

[6] Mr. Y. Nirmolchand, learned senior counsel appearing for the petitioner submits that both sides had admitted that they have mutual live-in relationship of almost two years while both the petitioner and respondent No. 2 were staying at Goa and at that time, the petitioner has

bonafide intention of marrying with the respondent No. 2. In the circumstance, the relationship continued for almost more than two years. However, due to incompatibility between the petitioner and respondent No. 2, the marriage could not be materialized; and they parted ways with mutual understanding in the year 2012. When the petitioner eloped with one lady in the year 2020, FIR has been lodged for harassing the petitioner.

[7] Learned senior counsel refers to the decision of Hon'ble Supreme Court in **Kunal Rameshbhai Kalyani Vs. State of Gujarat** reported as **2026 INSC 987** where the Hon'ble Supreme Court set aside the criminal case initiated under Section 69 of BNS which is equivalent to Section 376 read with Sections 95 and 317 (misinterpretation) of IPC. In that case, the complainant and accused were having physical relationship. Even though promise to marry by the accused, the marriage could not be materialized due to non-approval by the mother of the accused. In the circumstance, the FIR under Section 69 of BNS was quashed on the ground that the accused has every intention of marrying the complainant from the very beginning; and there is no deceitful act on the part of accused.

[8] Learned senior counsel also refers to decision of Hon'ble Supreme Court in **Samadhan Vs. State of Maharashtra** reported as **2025 INSC 1351**. In this case, in spite of having promised to get married

and having physical relationship upon that promise, due to the difference between the parties, marriage could not be materialised and Hon'ble Supreme Court relying on various decisions and held that when a woman who willingly engages in a long term sexual relationship with a man, fully aware of its nature and without any cogent evidence to show that such relationship was induced by misconception of fact or false promise of marriage made in bad faith from the inception, the man cannot be held guilty of rape under Section 376 of the IPC.

[9] Learned senior counsel also refers to the judgment and order dated 23.09.2025 passed by this Court in the case of **Mr. Vikash Singh Vs. State of Manipur & Ors.** in **Cril. Petn. No. 21 of 2025** where the marriage could not be solemnized as refused by the complainant/lady and after compromise, parties come to the Court by joint petition to set aside the criminal case; and this Court set aside the FIR on the ground that the same was filed on misconception. While passing the judgment, this Court referred to the decision of Hon'ble Supreme Court in **Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Anr. [Criminal Appeal No. 3831 of 2025 (Special Leave Petition (Crl.) No. 11642/2019)] : (02.09.2025 – SC Order) : Manu/SCOr/68068/2025.** In paragraph No. 16 of the judgment in **Mr. Vikash Singh** *(supra),* this Court refers to the case of **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat & Ors. : MANU/SC/0585/2012** that while the parties have settled the matter between them, there will be no chance of conviction. In such case,

continuation of the criminal proceeding will be futile exercise and an abuse of process of law. Paragraph Nos. 16 and 19 in the case of **Mr. Vikash Singh Vs. State of Manipur & Ors.** are reproduced herein below:

> *[16] The question of permissibility of quashing of a non-compoundable offence has been considered by the Hon'ble Supreme Court in the case of Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and Ors.: MANU/SC/0585/2012. It was held that High Court should not refuse to quash criminal case only on the ground that the offences are non-compoundable. When the matter is settled between the parties, there will no chance of convicting the accused. In such cases, the continuation of criminal proceeding will be a futile exercise and it will be just an abuse of process of law. Para 7, 8 & 9 are reproduced for a clear understanding.*
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> > *"7. The only question for consideration before this Court at this stage is that inasmuch as all those offences are not compoundable offences Under Section 320 of the Code (except Section 420 of Indian Penal Code that too with the permission of the Court before which any prosecution for such offence is pending), whether it would be possible to quash the FIR by the High Court Under Section 482 of the Code or by this Court exercising jurisdiction under Article 136 of the Constitution of India?*
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> > *8. The above question was recently considered by this Court in Shiji @ Pappu and Ors. v. Radhika and Anr. (2011) 10 SCC 705. The question posed in that case was "Whether the criminal proceedings in question could be quashed in the facts and circumstances of the case having regard to the settlement that the parties had arrived at." After adverting to Section 482 of the Code and various decisions, this Court concluded as under:*
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> > > *17. It is manifest that simply because an offence is not compoundable Under Section 320 Code of Criminal Procedure is by itself no reason for the High Court to refuse exercise of its power Under Section 482 Code of Criminal Procedure. That*

power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial court or in appeal on the one hand and the exercise of power by the High Court to quash the prosecution Under Section 482 Code of Criminal Procedure on the other. While a court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between the parties in cases where the offences are not compoundable Under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court Under Section 482 Code of Criminal Procedure are not for that purpose controlled by Section 320 Code of Criminal Procedure.

18. Having said so, we must hasten to add that the plenitude of the power Under Section 482 Code of Criminal Procedure by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power Under Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot

assume the role of an appellate court while dealing with a petition Under Section 482 of the Code of Criminal Procedure. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.

9. On going through the factual details, earlier decision, various offences Under Section 320 of the Code and invocation of Section 482 of the Code, we fully concur with the said conclusion. In the case on hand, irrespective of the earlier dispute between Respondent No. 2-the complainant and the Appellant being Accused No. 3 as well as Accused Nos. 1 and 2 subsequently and after getting all the materials, relevant details etc., the present Appellant (Accused No. 3) sworn an affidavit with bona fide intention securing the right, title and interest in favour of Respondent No. 2 herein-the Complainant. In such bona fide circumstances, the power Under Section 482 may be exercised. Further, in view of the settlement arrived at between Respondent No. 2-the complainant and the Appellant (Accused No. 3), there is no chance of recording a conviction insofar as the present Appellant is concerned and the entire exercise of trial is destined to be an exercise in futility. Inasmuch as the matter has not reached the stage of trial, we are of the view that the High Court, by exercising the inherent power Under Section 482 of the Code even in offences which are not compoundable Under Section 320, may quash the prosecution. However, as observed in Shiji (supra), the power Under Section 482 has to be exercised sparingly and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. In other words, the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law."

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"[19] From the above decisions, it is seen that as held in RP Kapur (supra), the FIR/complaint case can be quashed by the High Court in exercise of its inherent power if on plain reading of the complaint, the same does not disclose any offence, or it is barred by any law; or the criminal proceeding will be an abuse of the process of law. This dictum has been followed consistently by the courts and in the famous case of Bhajan Lal (supra), Hon'ble Supreme Court expanded these three conditions to seven situations where criminal case can be quashed by the High Court. It is added that non-cognizable offences can also be quashed. Recently in the month of September, 2025 Hon'ble Supreme Court has laid down four steps test for quashing of criminal proceedings in the case of Pradeep Kumar Kesarwani (supra). The latest case deals with rape case on false promise to marry. It is held that there is a clear distinction between rape and consensual sex on the promise of marriage and in such circumstances, the court has to be very careful to examine whether the promise to marry was genuine or not. The conduct of the complainant is also a very important aspect to be considered in a petition for quashing criminal proceeding. In the recent case of Prithivirajan (supra), Hon'ble Supreme Court has observed that all physical relationships on the basis of promise to marry will not amount to rape, unless the promise was solely to secure consent of the victim without any intention of marrying and the victim gave her consent influenced by such false promise of marriage. In the case of Gian Singh (supra), Hon'ble Supreme Court considered the principle of quashing of criminal proceeding of non-compoundable offences on the basis of subsequent settlement of the case between the parties. It was held that for exercising the power under Section 482 CrPC for quashing of criminal proceedings, there can be no straitjacket formula and it will depend on the facts and circumstances of each case. The twin objectives of (i) to prevent abuse of the process of any court or (ii) to secure the ends of justice, is a sine qua non. If any offender is not likely of being convicted upon settlement between the parties, High Court may quash criminal complaint/FIR in such situation even for serious offence, as justice will be the casualty and ends of justice will be defeated. In short, impossibility of being convicted upon settlement between parties is also a genre of ground for quashing the criminal case. The present case has to be examined within the prism of these broad guidelines laid down by various decisions of Hon'ble Supreme Court."

[10] Learned senior counsel also refers to another decision of Hon'ble Supreme Court in the case of **Abhishek Vs. State of Madhya Pradesh** reported as **2023 Legal Eagle (SC) 868** to the proposition that FIR can be quashed even after submission of charge sheet and framing of charge. Learned senior counsel submitted that in the present case, charge has been framed and it is at the stage of examination of prosecution witness.

[11] This Court perused the materials on record, the complaint filed by the complainant / respondent No. 2 therein, the nature of allegations between the parties and the application being MC[CRIL. PETN.] No. 50 of 2026 filed by the respondent No. 2. It may be noted that the petitioner has also filed a complaint to the Police Station against the respondent No. 2 about her threatening act. However, no FIR has been lodged against the respondent No. 2. The basic fact culled out of the two complaints lodged by the petitioner and respondent No. 2 against each other is that they had live-in relationship about two years and due to incompatibility, the marriage could not be materialised. The complainant does not state that the petitioner made false promise of marriage. This Court is not going through the controversy, who is at fault about non-solemnisation of the marriage. Two complaints, lodged by the petitioner and respondent No. 2, are to examine the nature of live-in relationship and not for finding fault. Another subsequent development is that both

parties have been married to other persons; and both of them want to lead a peaceful married life; and they want to bury the criminal case behind. In the circumstance, respondent No. 2 who is the complainant herself, filed present application being MC[CRIL. PETN.] No. 50 of 2026 for closure of the FIR case.

[12] In the circumstance, this Court is of the view that the respondent No. 2 is not willing to pursue the case against the petitioner in the Court and she is unlikely to support the prosecution case initiated by her. This Court may rely on the decision of Hon'ble Supreme Court in the case of **Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat & Ors.** *(supra)* that continuation of criminal offence will be an abuse of process of law, when there is no chance of convicting the accused as the parties have come to a settlement and the prosecutrix is not supporting the prosecution case. In the circumstance, the criminal case being Special Trial Case No. 7 of 2024 arising out of FIR No. 12(07)2020 WPS-IE U/S 417, 500, 504, 506 and 376 IPC is quashed, as the continuation would amount to an abuse of the process of law in view of the decision of the Hon'ble Supreme Court in the celebrated case of **State of Haryana Vs. Bhajan Lal** reported as **1992 Supp (1) SCC 335 Para 102** which reads as follows:

> *"102.*
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> *(1) Where the allegations made in the first information report of the complaint, even if they are*

taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding (is instituted) to the institution and continuance of the proceedings

and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

[13] In the circumstance, the present criminal petition is allowed. The whole proceedings of the Special Trial Case No. 7 of 2024 before the Court of Ld. Sessions Judge, Imphal West [arising out of FIR No. 12(07)2020 WPS-IE U/S 417, 500, 504, 506 and 376 IPC] stands terminated. Send a copy of this order to the Ld. Sessions Judge, Imphal West for information.

JUDGE

FR/NFR

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KHOIROM BIPINCHANDRA SINGH

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