IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.703 of 2024

Ashok Kumar Gupta @ Ashok Gupta, aged about 59 years, S/O- Late Babulal Gupta, R/o H. 12, Ashat Bunglows, opp. Madhuram Party plot, P.O.- Zadeshwar Chokdi, P.S.- Bharuch, District- Zadeshwar, Gujrat. … Petitioner

Versus

1. The State of Jharkhand

2. Rajendra Prasad Prajapati, S/o Late Shiv Narayan Prajapati, R/o- Bhithara, SIGSIGI, P.O. & P.S.- Rehla, Dist- Palamau Jharkhand.

… Opposite Parties

For the Petitioner : Mr. Ajit Kumar, Sr. Advocate
For the State : Ms. Kumari Rashmi, Addl.P.P.
For the O.P.2 : Mr. Prabhat Kumar Sinha, Advocate
Mr. Diwakar Jha, Advocate.

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 482 of the Code of Criminal Procedure with the prayer to quash and set aside the entire criminal proceedings including the order dated 15.12.2023 passed by the learned CJM, Palamau at Daltonganj in connection with Rehla P.S. Case No.63 of 2023 corresponding to G.R. Case No.2389 of 2023 whereby and whereunder the cognizance has been taken of the offences punishable under Sections 284, 285, 287, 307 & 34 of the Indian Penal Code which is now pending before the learned Chief Judicial Magistrate, Palamau at Daltonganj.

3. Learned senior counsel for the petitioner submits that no witness has been examined in this case as yet.

4. Learned senior counsel for the petitioner and learned counsel for the opposite party No.2 jointly draw the attention of this Court towards Interlocutory Application No.15189 of 2026 which is supported by the separate affidavits of the petitioner and the informant/opposite party No.2 and submit that therein it has been mentioned that during the pendency of the case, the informant/opposite party No.2 as well as the petitioner have entered into a compromise hence the informant does not want to continue with the prosecution of the petitioner. It is next jointly submitted by the learned counsel for the petitioner and learned counsel for the opposite party No.2 that the genesis of the occurrence is a petty dispute between the parties regarding sprinkling of Hydrochloric Acid and it is apparent that the alleged acid was a dilute one without having the property of causing any damage but to make the case as serious one, some exaggerations have been made in the First Information Report. Learned senior counsel for the petitioner submits that the petitioner had no intention to kill the victim, hence, otherwise also the offence punishable under Section 307 of the Indian Penal Code is not made against the petitioner. It is next jointly submitted that the dispute between the parties is basically a private dispute and no public policy is involved in this case. Learned senior counsel for the petitioner next submits that in view of the compromise between the parties, the continuation of this criminal proceeding will amount to abuse of process

of law as in view of the compromise, the chance of conviction of the petitioner is remote and bleak.

5. Hence, it is submitted that the entire criminal proceedings including the order dated 15.12.2023 passed by the learned CJM, Palamau at Daltonganj in connection with Rehla P.S. Case No.63 of 2023 corresponding to G.R. Case No.2389 of 2023 whereby and whereunder the cognizance has been taken for the offences punishable under Sections 284, 285, 287, 307 & 34 of the Indian Penal Code which is now pending before the learned Chief Judicial Magistrate, Palamau at Daltonganj, be quashed and set aside against the petitioner.

6. Learned Addl.P.P. appearing for the State submits that in view of the compromise between the parties, the State has no objection for quashing and setting aside the entire criminal proceedings including the order dated 15.12.2023 passed by the learned CJM, Palamau at Daltonganj in connection with Rehla P.S. Case No.63 of 2023 corresponding to G.R. Case No.2389 of 2023.

7. Having heard the rival submissions made at the Bar and after carefully 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** paragraph-29 of 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.*
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> ***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)*

had the occasion to consider the scope and ambit of section 482 of the Code of Criminal Procedure *vis-à-vis* exercise of the said power for quashing the criminal cases, inter alia involving the offence punishable under section 307 of the Indian Penal Code.

8. Perusal of the record reveals that the offences involved in this case are not heinous offences nor is there any serious offence of mental

depravity involved in this case, rather the same relates to private dispute between the parties.

9. Because of the complete settlement between the petitioner and the victim, the possibility of conviction of the petitioner is remote and bleak and continuation of the criminal case would put the petitioner 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.

10. Hence, this Court is of the considered view that this is a fit case where the entire criminal proceedings including the order dated 15.12.2023 passed by the learned CJM, Palamau at Daltonganj in connection with Rehla P.S. Case No.63 of 2023 corresponding to G.R. Case No.2389 of 2023 whereby and whereunder the cognizance has been taken for the offences punishable under Sections 284, 285, 287, 307 & 34 of the Indian Penal Code which is now pending before the learned Chief Judicial Magistrate, Palamau at Daltonganj, as prayed for by the petitioner, be quashed and set aside against the petitioner.

11. Accordingly, the entire criminal proceedings including the order dated 15.12.2023 passed by the learned CJM, Palamau at Daltonganj in connection with Rehla P.S. Case No.63 of 2023 corresponding to G.R. Case No.2389 of 2023 whereby and whereunder the cognizance has been taken for the offences punishable under Sections 284, 285, 287, 307 & 34 of the Indian Penal Code which is now pending before the learned Chief

Judicial Magistrate, Palamau at Daltonganj, is quashed and set aside *qua* the petitioner.

12. In the result, this Cr.M.P. stands allowed.

13. In view of disposal of the instant Cr.M.P., I.A. No.15189 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 28th of October, 2026
AFR/ Amar

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