IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 284 of 2026

Shakti Laldev @ Pichha, aged about 33 years son of Viraj Laldev, resident of Village Naudega, P.O -Behari, P.S-Behari, Dist- Darbhanga, Bihar. ..... Petitioner

Versus

1. The State of Jharkhand
2. Babuchand Yadav, son of Late Budhan Yadav, resident of Village-Guhiyatri, P.O- Gumgi, P.S- Tisri, Dist-Giridih, Jharkhand ….. Opposite Parties

For the Petitioner : Mr. Mukesh Kumar Mehta, Adv.
Mr. Prem Mardi, Adv.
For the State : Mr. Manoj Kr. Mishra, Addl. PP
For the O.P. No. 2 : Mr. Vishu Prabhakar Pathak, 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, 2023 with the prayer for quashing and setting aside the entire criminal proceeding as well as FIR registered vide Tisri P.S. Case No. 81 of 2021 for the offences punishable under sections 419, 328, 380, 34 of IPC pending in the court of learned JMFC, Giridih.
3. Learned counsel for the petitioners submits that the investigation of the case is still going on and chargesheet has not been submitted as yet.
4. Drawing attention of the court to the I.A. No. 2362 of 2026 which is supported by separate affidavits of the petitioner as well as the informant – opp. Party no. 2, it is jointly submitted by learned counsel for the petitioner and learned counsel for the opposite party no. 2 that therein it has categorically been mentioned by the parties that the parties have entered into a compromise and because of that informant – opp. party no. 2 is not interested in

pursuing the case. Therefore, the chance of conviction of the petitioner is remote and bleak. It is further submitted that because of some misunderstanding, this case was instituted and no injury has been sustained by any person in the occurrence. It is next submitted that the dispute between the parties is a private dispute and no public policy is involved in the case hence, continuation of the criminal proceeding in connection with Tisri P.S. Case No. 81 of 2021 will amount to abuse of the process of law and no purpose would be served in continuing with the criminal proceeding after compromise have been entered into between the parties, hence, it is jointly submitted that the entire criminal proceeding as well as FIR registered vide Tisri P.S. Case No. 81 of 2021, be quashed and set aside against the petitioner.

5. Learned Addl. PP submits that the State has no objection to the prayer of the petitioner to quash and set aside the entire criminal proceeding as well as FIR registered vide Tisri P.S. Case No. 81 of 2021 in view of the compromise between the parties.

6. 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 **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another** reported in **(2017) 9 SCC 641** had the occasion to consider the jurisdiction of the High Court under Section 482 of Code of Criminal Procedure *inter alia* on the basis of compromise between the parties and has held in paragraph no.11 as under :-

> ***11.*** *Section 482 is prefaced with an overriding provision. The statute saves the inherent power of the High Court, as a superior court, to make such orders as are necessary (i) to prevent an abuse of the process of any court; or (ii) otherwise to secure the ends of justice. In Gian Singh [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] a Bench of three learned Judges of this Court adverted to the body of precedent on the subject and laid down guiding principles which the High Court should consider in determining as to whether to quash an FIR or complaint in the exercise of the inherent jurisdiction. The considerations which must weigh with the High Court are : (SCC pp. 342-43, para 61)*
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> > *"61. … 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." (Emphasis supplied)*

7. Because of the compromise between the offender and the victim, the possibility of conviction of the petitioner is remote and bleak and continuation of the criminal case would put the accused person 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.

8. In view of the submission made jointly by the learned counsel for the petitioner and learned counsel for the opposite party no. 2, this court is satisfied that the parties have amicably resolved their entire dispute and thus, in the considered opinion of this Court, it

would be unfair and contrary to the interest of justice to continue with the criminal proceeding and the continuance of criminal proceeding would tantamount to the abuse of the process of law and in the interest of justice, it is appropriate that the entire criminal proceeding against the petitioner be put to an end.

9. Accordingly, the entire criminal proceeding as well as FIR registered vide Tisri P.S. Case No. 81 of 2021, is quashed and set aside against the petitioner.

10. In the result, this criminal miscellaneous petition is allowed to the aforesaid extent and in view of the disposal of this criminal miscellaneous petition, the I.A. No. 2362 of 2026 is also stands disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 27th October,2026
Smita / AFR

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