IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1620 of 2023

Sanjay Kumar Pandit @ Sanjay Pandit, aged about 31 yrs. S/o Late Durga Charan Kumhar @ Lt. Durga Charan Pandit, R/o Kumhar Tola Kenduatand, Vill. Kharni, P.O. Kharni, P.S. Barwadda, Dist. Dhanbad

… Petitioner

Versus

1. The State of Jharkhand
2. Sneha Pandit, W/o Sri Sanjay Kumar Pandit, D/o Shibu Kumar, R/o Vill Netwari, P.O. Ojhadih, Katania, P.S. Tundi, Dist. Dhanbad

… Opposite Parties

For the Petitioner : Mr. Abhijeet Kr. Singh, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl.P.P.
For the O.P. No.2 : Ms. Arpita Sinha, 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 the entire criminal proceedings arising out of C.P. Case No. 1955 of 2021 as well as the order dated 14.03.2022 passed by the learned Judicial Magistrate 1st Class, Dhanbad in the said case whereby and where under the learned Judicial Magistrate 1st Class, Dhanbad has found sufficient materials to proceed

with the case against the petitioner for having committed the offence punishable under Sections 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and the said case is now pending before the learned Judicial Magistrate 1st Class, Dhanbad.

3. At the outset, the learned counsel for the petitioner submits that charge has not yet been framed in this case and the case is next fixed to 02.12.2026 for consideration of framing of charge.

4. Learned counsel for the petitioner and the learned counsel for the opposite party No.2-complainant jointly draw the attention of this Court towards Interlocutory Application No.13632 of 2026 which is supported by the separate affidavits of the petitioner as well as the opposite party No.2-complainant and submit that therein, it has categorically been mentioned that the parties have entered into a compromise and have also entered into a Memorandum of Settlement, the copy of which has been annexed as Annexure-X. It is next jointly submitted that in view of the compromise between the parties, the opposite party No.2 - complainant does not want to proceed with the case against the petitioner. It is then submitted that the dispute between the parties is a private dispute and no public policy is involved in this case. It is further submitted 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. Hence, it is submitted that the entire criminal proceedings arising out of C.P. Case No. 1955 of 2021 as well as the order dated 14.03.2022 passed by the learned Judicial

Magistrate 1st Class, Dhanbad in the said case, now pending before the learned Judicial Magistrate 1st Class, Dhanbad, be quashed and set aside.

5. Learned Spl.P.P. appearing for the State submits that in view of the compromise between the parties, the State has no objection for quashing the entire criminal proceedings arising out of C.P. Case No. 1955 of 2021 as well as the order dated 14.03.2022 passed by the learned Judicial Magistrate 1st Class, Dhanbad in the said case, now pending before the learned Judicial Magistrate 1st Class, Dhanbad.

6. 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 **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Others vs. State of Gujarat & 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. 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.

8. Because of the complete settlement 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 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. Hence, this Court is of the considered view that this is a fit case where the entire criminal proceedings arising out of C.P. Case No. 1955 of 2021 as well as the order dated 14.03.2022 passed by the learned Judicial Magistrate 1st Class, Dhanbad in the said case, now pending before the learned Judicial Magistrate 1st Class, Dhanbad, be quashed and set aside against the petitioner named above.

9. Accordingly, the entire criminal proceedings arising out of C.P. Case No. 1955 of 2021 as well as the order dated 14.03.2022 passed by the learned Judicial Magistrate 1st Class, Dhanbad in the said case, now pending before the learned Judicial Magistrate 1st Class, Dhanbad, is quashed and set aside against the petitioner named above.

10. In the result, this Criminal Miscellaneous Petition is allowed.

11. In view of disposal of the instant Criminal Miscellaneous Petition, I.A. No. 13632 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 30th of September, 2026
AFR/ Saroj

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