IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3079 of 2026

Asif Ali Khan @ Asrar Ahmad son of Md. Shakir Ali aged about 28 years, Resident of Balsokra, P.O. & P.S.- Chanho, District- Ranchi (Jharkhand) … Petitioner

Versus

1. The State of Jharkhand
2. Victim … Opposite Parties

For the Petitioner : Md. Razaullah Ansari, Advocate
For the State : Ms. Ruby Pandey, Addl.P.P.
For the O.P. No.2 : Ms. Aulia Begum, Advocate
Ms. Sushmita Kumari, 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceeding including the F.I.R. in connection with Nagri P.S. Case No.210 of 2025 *inter alia* registered for the offences punishable under Sections 64(2)(m), 308(4), 351(3) of the B.N.S., 2023 on the ground of compromise having been entered into being between the parties in respect of which, I.A. No.11853 of 2026 has been filed.

3. The allegation against the petitioner *inter alia* is that the petitioner has repeatedly committed rape upon the informant/opposite party No.2.

4. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Madhukar & Others vs.**

The State of Maharashtra & Another reported in **2025 LiveLaw (SC) 710** wherein the Hon'ble Supreme Court of India apparently in exercise of the power under Article 142 of the Constitution of India considered the peculiar facts and circumstances of that case and quashed the F.I.R. including the sessions case. Learned counsel for the petitioner next relies upon the order of the Hon'ble Supreme Court of India in the case of **Ravish Singh Rana vs. State of Uttarakhand & Another** reported in **2025 INSC 635** and submits that keeping in view the offence punishable under Section 376 of the Indian Penal Code was not made out in the facts of that case, the Hon'ble Supreme Court of India quashed the entire criminal proceeding. It is further submitted that the informant has realized her mistake. Therefore, it is submitted that the prayer, as prayed for in this Cr.M.P., be allowed.

5. Learned Addl. P. P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in the instant Cr.M.P. and submits that it is a settled principle of law that in case of heinous offence like rape, the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is not to be exercised to quash the entire criminal proceeding. It is next submitted that here it is a serious case of direct allegation of commission of rape by terrorizing the informant who belongs to a different religion than that of the petitioner and also of extorting money from the informant and in such serious offence, the accused must face trial. It is, therefore, submitted that this Cr.M.P., being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that there is direct and specific allegation against the petitioner of serious nature of committing rape upon the informant repeatedly by terrorizing and blackmailing her and there are also other serious offences besides commission of rape. It is a settled principle of law as has been held by 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-29.3 of which reads as under:-

> ***"29.3.*** *Such a power is not to be exercised in those prosecutions. Such offences are not private in nature and cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc 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."*

wherein the Hon'ble Supreme Court of India has categorically held that in cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc, the entire criminal proceeding ought not be quashed in exercise of the power under Section 482 of Cr.P.C. which corresponds to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. In view of settled principle of law and the heinous nature of offence committed by the petitioner and as there is no dispute that such offences are made out, if the allegations against the petitioner are considered to be

true, this Court is of the considered view that this is not a fit case where the entire criminal proceeding is to be quashed on the ground of compromise.

8. Accordingly, this Cr.M.P. being without any merit is dismissed.

9. In view of disposal of the instant Cr.M.P., I.A. No.11853 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 30st of September, 2026
AFR/ Animesh
Uploaded on- 01/10/2026