IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2803 of 2026

Golu Rawani @ Gollu Rawani @ Ravi Kumar, aged about 30 years, S/o- Late Dinesh Rawani @ Dinesh Prasad, R/o- Gansadih Near Durga Mandir 25 No. Godhar, P.O. & P.S. – Kenduadih, District – Dhanbad.

… Petitioner

Versus

1. The State of Jharkhand
2. Selesh Kumar, aged about 31 years, S/o- Iswari Pandit, R/o- Naya Dhora, 10 Number, Kenduadih, P.O. & P.S. – Kenduadih, District – Dhanbad, Jharkhand.

… Opposite Parties

For the Petitioner : Mr. Pran Pranay, Advocate
For the State : Mrs. Shweta Singh, Addl.P.P.
For the O.P. No.2 : Mr. Mac Lincon Emmanuel Kujur, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:-

1. 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 proceedings including the First Information Report of Kenduadih P.S. Case No. 37 of 2022 registered for the offences punishable under Sections 341, 323, 379, 307, 504/34 of

the Indian Penal Code and Section 27 of the Arms Act of the court of the learned Judicial Magistrate-1st Class, Dhanbad.

3. At the outset, the learned counsel for the petitioner submits that investigation of the case is still going on and charge sheet has not yet been submitted in this case.

4. Learned counsel for the petitioner and the learned counsel for the opposite party No.2- informant jointly draw the attention of this Court towards Interlocutory Application No.11989 of 2026 which is supported by the separate affidavits of the petitioner as well as the opposite party No.2- informant and submit that therein, it has categorically been mentioned that with the intervention of the well-wishers and common friends, both the parties have settled their dispute. It is next jointly submitted that because of some misunderstanding, the petitioner has been implicated in this case and the petitioner was not present at the place of occurrence and this is a case of mistaken identity. It is next jointly submitted that in view of the compromise between the parties, the opposite party No.2-informant does not want to proceed with the case against the petitioner. It is then jointly 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 prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned Addl.P.P. appearing for the State submits that in view of the compromise between the parties, the State has no objection to the prayer of the petitioner made in this Criminal Miscellaneous Petition.

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 **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:*
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> ***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.*
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> ***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:*
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> *(i) ends of justice, or*
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> *(ii) to prevent abuse of the process of any court.*
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> *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.*

> ***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, which corresponds to Section 528 of the B.N.S.S., 2023, *vis-à-vis* exercise of the said power for quashing the criminal cases, *inter alia* involving the offences punishable under section 307 of the Indian Penal Code.

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 in which no public policy is involved.

8. Because of the complete settlement between the alleged offender and the victim, the possibility of conviction of the petitioner is remote and bleak and continuation of the criminal proceeding would put the petitioner to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal proceeding despite full and complete settlement and compromise with the victim.

9. Hence, this Court is of the considered view that this is a fit case where the entire criminal proceedings including the First Information Report of Kenduadih P.S. Case No. 37 of 2022, now pending in the court of the learned Judicial Magistrate-1st Class, Dhanbad, be quashed and set aside *qua* the petitioner.

10. Accordingly, the entire criminal proceedings including the First Information Report of Kenduadih P.S. Case No. 37 of 2022, now pending in the court of the learned Judicial Magistrate-1st Class, Dhanbad, is quashed and set aside *qua* the petitioner.

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

12. In view of disposal of this Criminal Miscellaneous Petition, I.A. No. 11989 of 2026 is disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 15th of September, 2026
AFR/ Saroj

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