2026:JHHC:26866

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.856 of 2026

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1. Pankaj Kumar Tiwari, Aged about 48 years, Son of Kripal Tiwari, Resident of Village- Redma, Utari, Panki Road, Redma, Srirampath, Road No.1, Post Office-GIA College, Police Station: Daltonganj, District-Palamu, Jharkhand and also resident of Village-Sarja, P.O.-Polpur, P.S. - Medininagar, District- Palamu, Jharkhand.
2. Ashok Prasad, Aged about 50 years, Son of Bir Bahadur Prasad, Allapur (Redwri Tola), Gopalganj, Garhmannjha, Post Office- Manjhgarch, Police Station: Manjhgarch, District- Gopalganj, Bihar. **..... Appellants**

Versus

1. The State of Jharkhand through the Secretary, Home (Police) Department, Government of Jharkhand, P.O. & P.S.-Dhurwa, Dist.- Ranchi.
2. The Director General of Police, Jharkhand, having its office at Police Headquarters, Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District -Ranchi, Jharkhand.
3. The Senior Superintendent of Police, Ranchi, having its office at Collectorate Building, near Kutchery Chowk, P.O.-Ranchi G.P.O., P.S. Kotwali, District -Ranchi, Jharkhand.
4. The Superintendent of Police, Crime Investigation Department (CID), having its office at Jharkhand, Police Headquarters, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand.
5. The Dy. S.P., Crime Investigation Department (CID), having its office at Jharkhand, Police Headquarters, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand.
6. Bhushan Swansi, S/o Late Balram Swansi, R/o Village- Sataki, P.O. Sataki, P.S. Rahe, District Ranchi, at present residing at Adarsh Nagar, Bundu, P.OO. & P.S. Bundu, District Ranchi, Jharkhand. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Rishabh Kaushal, Advocate
Mr. Anjani Kumar, Advocate
For the State : Mr. Pankaj Kumar, P.P
For the Resp. No.06 : Mrs. Ritu Kumar, Advocate
Mr. P. K. Mehta, Advocate

Order No.02/ Dated: 07th September, 2026

1. Issue notice to the victim/ respondent No.06.

2. Mrs. Ritu Kumar, learned counsel, waives notice on behalf of the victim/ respondent No.06 and as such no notice

is required to be issued.

3. Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the victim/ respondent No.06.

4. The present criminal appeal has been filed against the order dated 05.08.2017, passed by the court of learned A.J.C.–I, Ranchi, in connection with Bundu P.S. Case No.43 of 2016, SC/ ST Case No.82 of 2017, G.R. No.3944 of 2016, whereby cognizance for the offence under Sections 304/ 323/ 34 of the Indian Penal Code, Section 3(i) (viii) of the SC/ ST (POA) Act and Section 23 of the J.J. Act, has been taken against the appellants and the case is pending in the court of learned Additional Judicial Commissioner – II, Ranchi.

5. It appears that the F.I.R upon which the cognizance has been taken and the impugned order has been passed, has already been quashed by the Co-ordinate Bench of this Court in connection with Bundu P.S. Case No.43 of 2016 vide order dated 10.07.2025, passed in Cr.M.P (Filing) No.13301 of 2025, filed by one of the co-accused namely, Pawan Kumar.

In our judicial system, there is a concept of compounding the offence and not the offender. Since the offence has been compounded on the basis of compromise and the case itself has been quashed, the continuation of the present proceeding is otherwise unwarranted.

6. Learned counsel for the victim/ respondent No.06 has not opposed the prayer of setting aside the impugned order dated 05.08.2017, as the matter has already been compounded on the basis of compromise petition and that has been accepted by the court below and even it has been acted upon also.

7. Having heard learned counsel for the parties and from perusal of the record, it appears that the criminal case has been put into motion by lodging of F.I.R being Bundu P.S. Case No.43 of 2016 and the same has been challenged by filing Cr.M.P (Filing) No.13301 of 2025 before this Court and the Co-ordinate Bench of this Court, after considering the compromise between the parties, has quashed the entire criminal proceeding vide order dated 10.07.2025.

Paragraph Nos.9 to 12 of the said order is relevant, which are quoted herein-below :-

> ***"9.*** *Considering the facts of the case as stated by the petitioner in para-23A of this Criminal Miscellaneous Petition that the informant has realized that the petitioner has no role in the alleged occurrence which has been corroborate by the Superintendent of Police, Crime Investigation Department (CID), Ranchi and in view of the compromise entered into between the parties, this Court is of the considered view that continuation of the criminal proceeding against the petitioner will amount to abuse of process of law. Hence, this is a fit case where the entire criminal proceeding including the order dated 05.03.2020 passed by the learned Additional Judicial Commissioner-VII-cum-Special Judge, Scheduled Castes & Scheduled Tribes Act Cases, Ranchi in connection with Bundu P.S. Case No.43 of 2016 and also the charge-sheet dated 27.04.2018 passed in the said case be quashed and set aside qua the petitioner only.*
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> ***10.*** *Accordingly, the entire criminal proceeding including the order dated 05.03.2020 passed by the learned Additional Judicial Commissioner-VII-cumSpecial Judge, Scheduled Castes & Scheduled Tribes Act Cases, Ranchi in connection with Bundu P.S. Case No.43 of 2016 and also the charge-sheet dated 27.04.2018 passed in the said case is quashed and set aside qua the petitioner only.*
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> ***11.*** *In view of disposal of this Criminal Miscellaneous Petition, I.A. No.7939 of 2025 is disposed of accordingly.*
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> ***12.*** *In the result, this Criminal Miscellaneous Petition is allowed."*

8. Since the entire criminal proceeding in connection with Bundu P.S. Case No.43 of 2016 has already been quashed by the Co-ordinate Bench of this Court vide order dated 10.07.2025, it cannot be allowed to be continued so far as other co-accused persons are concerned.

9. In that view of the matter, the impugned order dated 05.08.2017, passed by the court of learned A.J.C.–I, Ranchi, in connection with Bundu P.S. Case No.43 of 2016, SC/ ST Case No.82 of 2017, G.R. No.3944 of 2016, is hereby, quashed and set aside, rather the entire criminal proceedings stands quashed and set aside. Accordingly, the present criminal appeal is, hereby, allowed and disposed of.

The order has been passed as both the parties have agreed and they have compromised the matter.

10. Pending interlocutory application, if any, any stands disposed of.

(Rajesh Kumar, J.)

07th September, 2026
Ravi-Chandan/-
Uploaded on 08.09.2026