IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2826 of 2026

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1. Rakesh Kumar Modi @ Rakesh Kumar aged about 30 years,

2. Golu Modi @ Ashwini Kumar aged about 28 years,

Both sons of Raju Modi, resident of village- Godakhar, P.O.- Hirodih, P.S.- Jainagar, District- Koderma … Petitioners

Versus

1. The State of Jharkhand

2. Vijay Kumar Das aged about 43 years, son of Late Prabhu Das, resident of village- Tetariadih, P.O.- Hirodih, P.S.- Jainagar, District- Koderma.

… Opposite Parties

For the Petitioners : Mr. Randhir Kumar, Advocate
For the State : Mr. Rajesh Kumar, Addl.P.P.
For the O.P. No.2 : Ms. Abhishekh Gautam, 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 BNSS, 2023 with the prayer to quash the entire criminal proceedings in connection with Koderma Spl. SC/ST Case No.15 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the said case is now pending before the learned Additional Sessions Judge-I, Koderma.

3. Learned counsel for the petitioners submit that the investigation of the case is still going on and charge-sheet has not yet been submitted in this case.

4. Learned counsel for the petitioners and learned counsel for the opposite party No.2 jointly draw the attention of this Court towards Interlocutory

Application No.12577 of 2026 which is supported by the separate affidavits of the opposite party No.2/informant and the *Pairvikar* of the petitioners wherein it has been mentioned that the genesis of the occurrence was an old monetary dispute between both the parties and now the dispute has already been settled among both the parties and after intervention of the well-wisher, informant realized his mistake and then entered into a joint compromise and now he does not want to proceed with the present case. Learned Counsel for the petitioners submits that the dispute between the parties is a private dispute and no public policy is involved in this case and the compromise is not opposed to the public policy. Learned counsel for the petitioners next submits 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 petitioners is remote and bleak. Hence, it is submitted that the entire criminal proceedings in connection with Koderma Spl. SC/ST Case No.15 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which is now pending before the learned Additional Sessions Judge-I, Koderma, be quashed and set aside.

5. Learned Addl.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 in connection with Koderma Spl. SC/ST Case No.15 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act, which is now pending before the learned Additional Sessions Judge-I, Koderma.

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 serious offence of mental depravity involved in this case rather the same relates to a petty private dispute between the parties.

8. Because of the complete settlement between the offender and the victim, the possibility of conviction of the petitioners is remote and bleak and

continuation of the criminal case would put the petitioners to great oppression and prejudice and extreme injustice would be caused to them by not quashing the criminal case 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 in connection with Koderma Spl. SC/ST Case No.15 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which is now pending before the learned Additional Sessions Judge-I, Koderma, as prayed for by the petitioners, be quashed and set aside against the petitioners.

10. Accordingly, the entire criminal proceedings in connection with Koderma Spl. SC/ST Case No.15 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which is now pending before the learned Additional Sessions Judge-I, Koderma is quashed and set aside against the petitioners.

11. In the result, this Cr.M.P. stands allowed.

12. In view of disposal of the instant Cr.M.P., I.A. No.12577 of 2026 is disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 15th of September, 2026
AFR/ Amar
Uploaded on 21.09.2026