IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3295 of 2026
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1. Anjit Saw @ Anjit Kumar, aged about 34 years, S/O – Late Vijay Saw,
2. Ram Chandra Saw, aged about 61 years, S/o Late Badho Saw,

   Both are R/O Vill- Pihra Manpur, P.O. – Pihra, P.S. – Gawan, District - Giridih

… Petitioners

Versus

1. The State of Jharkhand
2. Dhaneshwar Chaudhary, aged about – 77 years, S/O – Late Pannu Pasi, R/O Vill- Pihra Manpur, P.O. – Pihra, P.S. Gawan, District – Giridih

… Opposite Parties

For the Petitioners : Mr. Mritunjay Chaudhary, Advocate
Mr. Sushant Kumar, Advocate
For the State : Mr. Shailesh Kr. Sinha, Addl.P.P.
For the O.P. No.2 : Mr. Ankur Anand, 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/setting aside the First Information Report including the entire criminal proceedings in connection with Giridih (SC/ST) P.S. Case No. 07 of 2026 registered for

the offences punishable under Sections 316(4)(5), 318(4), 336(3), 338, 340(1), 371(7), 115(2), 351(1), 352, 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r) & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, now pending before the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih.

3. At the outset, learned counsel for the petitioners submits 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 the learned counsel for the opposite party No.2- informant jointly draw the attention of this Court towards Interlocutory Application No.15078 of 2026 which is supported by the separate affidavits of both the petitioners as well as the opposite party No.2– informant and submit that therein, it has categorically been mentioned that with the intervention of elders of village, the parties have amicably settled their dispute between them. It is next jointly submitted that in view of the compromise between the parties, the opposite party No.2- informant does not want to pursue the case against the petitioners. It is then submitted that the dispute between the parties is basically 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 petitioners 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 for quashing the prayer of the petitioners 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 **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 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 First Information Report including the entire criminal proceedings in connection with Giridih (SC/ST) P.S. Case No. 07 of 2026 registered for the offences punishable under Sections 316(4)(5), 318(4), 336(3), 338, 340(1), 371(7), 115(2), 351(1), 352, 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r) & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, now pending before the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih, be quashed and set aside against the petitioners named above.

10. Accordingly, the First Information Report including the entire criminal proceedings in connection with Giridih (SC/ST) P.S. Case No. 07 of 2026 registered for the offences punishable under Sections 316(4)(5), 318(4), 336(3), 338, 340(1), 371(7), 115(2), 351(1), 352, 61(2), 3(5)

of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r) & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, now pending before the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Giridih, is quashed and set aside against the petitioners named above.

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

12. In view of disposal of the instant Criminal Miscellaneous Petition, I.A. No. 15078 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 28th of October, 2026
AFR/ Saroj

Uploaded on 29/10/2026