**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr.M.P. No. 3450 of 2026**

Abhishek Shubham, Aged about 41 years, S/o Late Sachchidanand Jaiswal, R/o –Village –Murpa Mova, P.O.+P.S. –Balumath, District –Latehar.

.... Petitioner

Versus

1. The State of Jharkhand;
2. Ruby Jaiswal @ Ruby Kumari, D/o Late Sravan Prasad Jaiswal, R/o –Jhakhra, Butisenha, P.O. –Buti, P.S. –Senha, District – Lohardaga.

…. Opp. Parties

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioner : Mr. Pratiush Lala, Advocate
: Mr. Deepak Sahu, Advocate
For the State : Mrs. Kumari Rashmi, Addl. P.P.
For O.P. No.2 : Mr. Md. Faruque Ansari, Advocate

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***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 B.N.S.S., 2023 with the prayer to quash the order dated 11.09.2023 as well as the Memo of Charge of the same day, passed by the learned A.C.J.M., Lohdardaga in connection with Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022 whereby and where under the learned A.C.J.M., Lohardaga has framed charge against the petitioner

for the offences punishable under Section 323/34, 498A/34, 504/34, 506/34 & 377 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act and under Section 3/4 of the Prevention of Witch (Daain) Practices Act. Prayer has also been made to quash the order dated 25.08.2023 passed by the learned A.C.J.M., Lohardaga in connection with the said Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022 whereby and where under the learned A.C.J.M., Lohardaga has taken cognizance of the offences against the petitioner. Further prayer has been made to quash the Charge Sheet No. 22 of 2022 dated 30.07.2022 submitted against the petitioner and next prayer has also been made to quash the entire criminal proceeding including the F.I.R. of Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022.

3. It is submitted by the learned counsel for the petitioner that the trial of the case is going on and the case is next fixed to 23.11.2026 for recording further evidence of the prosecution. It is then submitted that though the case was hotly contested but a joint compromise petition signed by the parties has been filed in Original Suit No. 13 of 2024 and the parties have compromised the case.

4. Relying upon the Judgment of the Hon'ble Supreme Court of India in the case of **Ramgopal and Another Vs. State of**

**Madhya Pradesh and Allied Cases**, reported in **(2022) 14 SCC 531**, para -13 of which reads as under:-

> *"13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706] ." (Emphasis supplied)*

It is submitted by the learned counsel for the petitioner that therein it has been held by the Hon'ble Supreme Court of India that the touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice and there can be no hard-and-fast line constricting the power of the High Court to do substantial justice and such power can be exercised post-conviction also.

5. Learned counsel for the petitioner and the learned counsel for the informant-opposite party no.2 jointly drawing attention of this Court to the Interlocutory Application No.15746 of 2026 which is supported by separate affidavits of the petitioner as well as the informant-opposite party no.2 submits that therein, it has categorically been mentioned that the parties have compromised the case between themselves with the intervention of common friends and well-wishers and the parties have also filed a joint compromise petition in Original Suit No. 13 of 2024 and decided to get separated. It is next submitted that in view of the compromise between the parties the entire criminal proceeding as well as the order framing charge be quashed as the dispute between the parties is matrimonial dispute and no heinous offence is involved in the case.

6. Learned Addl. P.P. submits that the State has no objection to the prayer as made in this criminal miscellaneous petition, in view of the compromise between the parties.

7. Considering the facts of the case, since the matrimonial dispute which is the genesis of the occurrence of this case has already been settled between the parties, this Court is of the considered view that to do substantive justice, this is a fit case where the power under Section 528 of the B.N.S.S. be exercised for quashing the entire criminal proceeding of

Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022.

8. Accordingly, the entire criminal proceeding including the F.I.R. of Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022 including the order dated 11.09.2023 as well as the Memo of Charge of the same day, passed by the learned A.C.J.M., Lohdardaga in connection with Mahila P.S. Case No. 36 of 2021 corresponding to G.R. Case No. 375 of 2022 whereby and where under the learned A.C.J.M., Lohardaga has framed charge against the petitioner, is quashed and set aside *qua* the petitioner.

9. In the result, this criminal miscellaneous petition is allowed to the aforesaid extent only.

10. Consequently, the interlocutory application no. 15746 of 2026 is disposed of.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated the 19th November, 2026
AFR/Sonu/-

Uploaded on 25.11.2026