

(2025) 11 MP CK 1914

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Miscellaneous Criminal Case No. 51602 Of 2025

Radhelal Rawat And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 27-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

Bharatiya Nyaya Sanhita, 2023 — Section 61(2), 308(2), 308(5), 308(7)

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2025) 11 MP CK 1914

Hon'ble Judges : Rajesh Kumar Gupta, J

Bench : Single Bench

Advocate : Hemant Singh Rana, Avinash Kulshrestha, Prachi Sharma

Final Decision : Dismissed

Judgement

Rajesh Kumar Gupta, J

1. The present petition has been preferred by the petitioners under Section 528 of the BNSS, 2023, seeking quashment of FIR registered at Crime No.202/2024 at Police Station- Narwar, District -Shivpuri for the offence under Sections 308(2), 308(5), 308(7) and 61(2) of BNS on the basis of compromise.

2. As per prosecution case, the written complaint was filed by the complainant-Bharat Kumar Jain, alleging that his uncle, Pradeep Jain who operates a grocery shop and oversees a warehouse, had been receiving blackmail threats from Kapuri Adivasi and Radhelal Rawat, residents of Kairua. The complainant alleges that on 26.08.2024, at approximately 12:01 PM, while Pradeep Jain was working at his warehouse, Kapuri Adivasi, her daughter-Poonam Adivasi, and Radhelal Rawat arrived near the warehouse. Kapuri Adivasi went inside, engaging Pradeep Jain in conversation about groceries. She then initiated obscene acts and demanded that he have physical relations with her, threatening to shout and falsely implicate him if he refused. She forced him to have physical relations with her with the specific intent to blackmail and trap him. Subsequently, she also had

her daughter to record a video of the incident. The accused then began blackmailing Pradeep Jain, demanding one lakh rupees and threatening to implicate him in a rape case and cause him severe bodily harm, or even kill him. After Pradeep Jain informed the complainant, the complainant proceeded to the warehouse, where Radhelal Rawat and Kapuri Adivasi extorted Rs.1,00,000/- in cash from him. On 28.08.2024, Radhelal Rawat, Kapuri Adivasi, and Radhelal Rawat's nephew, Ravindra Rawat, called the complainant's elder uncle, Rishabh Jain, and demanded an additional Rs.20,00,000/-. Pradeep Jain subsequently fell ill and received treatment at Arogya Dham Hospital. As the family failed to arrange the demanded twenty lakh rupees, Kapuri Adivasi proceeded to Shivpuri and filed a case of rape against Pradeep Jain on 29.08.2024. The complainant asserts that all these individuals conspired to "honey trap" Pradeep Jain. He further states that Radhelal Rawat had previously conspired to execute this plot with another woman named Reena, intending to extort money from Shishupal Jatav, son of former MLA Shri Pagilal Jatav, and a Magroni merchant. In this regard an audio clip has submitted before the concerning police station along with the written complaint. On the basis of which, aforesaid FIR has been registered against the present petitioners.

3. During pendency of this petition, I.A no. 23488/2025 and IA No. 23489/2025 were filed for compounding the offence and compromise between the parties.

4. This Court vide order dated 11/11/2025 directed the parties to appear before the Principal Registrar of this Court for recording their statements and for verification of factum of compromise. The Principal Registrar submitted his report on 17/11/2025 and verified the factum of compromise.

5. Counsel for the complainant argued in support of petitioners' prayer for compromise. He referred the affidavit filed by the respondent/complainant No.2 and he is ready to settle the matter. In such circumstances, counsel for the parties, placed reliance upon the judgments passed by Hon'ble Supreme Court in the cases of Jagdish Channa & others Vs. State of Haryana & another, AIR 2008 SC 1968, Madan Mohan Abbot Vs. State of Punjab, AIR 2008 SC 1969, Shiji Vs. Radhika & Another, (2011) 10 SCC 705, Narinder Singh & others Vs. State of Punjab (2014) 6 SCC 466, B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, (2017) 9 SCC 641, wherein, it has been held that even in non-compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases.

6 . Heard learned counsel for the parties at length and perused the documents appended thereto.

7. Upon perusal of the record, it is evident that a clear conspiracy was orchestrated by the accused to trap and blackmail the victim, an act commonly

referred to as a "honey trap." A honey trap is a practice involving the use of romantic or sexual interest or relationships for the purpose of obtaining information, espionage, or monetary gain, often through eventual compromise or blackmail. Consequently, quashing the FIR in this instance does not fall within the definition of a valid compromise. Furthermore, given that the offense, as alleged by the prosecution, occurred in society and involved the public at large, the quashing of the FIR at this stage constitutes a clear violation of the principles of natural justice.

8. Recently, the Supreme Court in the case of *Ramjilal Bairwa Vs. State of Rajasthan & Ors.* 2024 INSC 846 held that though the accused and the complainant had settled the matter, but in cases of heinous nature, the offence has a serious impact on society. The fact that in view of compromise entered into between the parties, the chance of a conviction is bleak, cannot be a ground to abruptly terminate the investigation by quashing FIR and further proceedings by invoking the power u/S 482 of Cr.P.C. Relevant paragraphs of the judgement are as under:-

25. Thus, in unambiguous terms this Court held that before exercising the power under Section 482, Cr. PC the High Court must have due regard to the nature and gravity of the crime besides observing and holding that heinous and serious offences could not be quashed even though a victim or victim's family and the offender had settled the dispute. This Court held that such offences are not private in nature and have a serious impact on the society. Having understood the position of law on the second question that it is the bounden duty of the court concerned to consider whether the compromise is just and fair besides being free from undue pressure we will proceed to consider the matter further.....

28. A bare perusal of the impugned order and in the light of the observations and binding conclusions in *Gian Singh's case* (supra), bearing in mind the allegations in the subject FIR, it would reveal that the High Court has misread and misapplied the law laid down in *Gian Singh's case* (supra) to quash the subject FIR and all further proceedings based in pursuance thereof.

We are at a loss to understand how the High Court arrived at the conclusion that in the case on hand a dispute to be resolved exists between the parties and further that to maintain harmony the FIR and all further proceedings thereto should be quashed even without advertng to the allegations raised against the 3rd respondent in the subject FIR. It is also a fact that though in terms of the decision in *Gian Singh's case* (supra) an irrecusable duty of the Court to consider whether the compromise could be acted upon or not in the interest of justice, the impugned order would reveal that the High Court has failed to bestow proper consideration in that regard as well.

29. In the contextual situation, it is also relevant to refer to a Three Judge Bench decision of this Court in *State of M.P. v. Laxmi Narayan* reported in (2019) 5 SCC 688. This Court held that whether an FIR is quashable or not would depend upon

the facts and circumstances of each case and while considering that question, the Court has to apply its mind to (i) whether the crime is one against the society or against an individual alone, nature of the dispute, (ii) seriousness and how the crime was committed (iii) whether offence(s) is one under a special statute (iv) stage of proceedings and how the accused managed to compromise with the complainant.

30. In this regard, it is relevant to note that in the case on hand the victim was then a student of Class 11th in the Higher Secondary aged 16 years. The statement annexed to the FIR of the complainant viz., the 4th respondent itself would reveal that on 08.01.2022 he complained about the pressure from the 3rd respondent to restrain him from lodging report. The compromise was entered immediately thereafter on 31.01.2022. Despite the said position, the Court has not chosen to consider whether the compromise entered into between the parents and the accused could be acted upon or not, in the interest of justice, taking note of the serious allegations levelled against the 3rd accused and in view of the law laid down in Gian Singh's case (supra). In that context, it is relevant to refer to a decision of a learned Single Judge of the Delhi High Court in Sunil Raikwar v. State and Another reported in 2021 SCC Online Del 258 Paragraph 12 therein, to the extent it is relevant reads thus:-

"12. The father of the victim cannot be permitted to settle the dispute with the accused. He is not the victim and the courts have to safeguard and protect the interest of children against onslaught by bad forces. We cannot lose sight of the fact that the accused is being prosecuted for an offence that shocks the value system of a society and this is not a matter that can be permitted to be settled as a compoundable minor offence. Deterrence to others committing similar offence is a must and they cannot get a signal that anything and everything can be compromised."

32. In the decision relied on by the High Court to quash the proceedings viz., Gian Singh's case (supra) and the decision in Laxmi Narayan's case (supra) in unambiguous terms this Court held that the power under Section 482, Cr. P.C. Could not be used to quash proceedings based on compromise if it is in respect of heinous offence which are not private in nature and have a serious impact on the society. When an incident of the aforesaid nature and gravity allegedly occurred in a higher secondary school, that too from a teacher, it cannot be simply described as an offence which is purely private in nature and have no serious impact on the society.

33. In view of the reasons as aforesaid and in the light of the decisions referred supra, the impugned order dated 04.02.2022 of the High Court in S.B.C.R.M.P. No.1348/2022, quashing the FIR No.6/2022 dated 08.01.2022 and all further proceedings pursuant thereto solely on the ground that the accused and the complainant had settled the matter, invites interference.

We have no hesitation to hold that in cases of this nature, the fact that in view of

compromise entered into between the parties, the chance of a conviction is remote and bleak also cannot be a ground to abruptly terminate the investigation, by quashing FIR and all further proceedings pursuant thereto, by invoking the power under Section 482, Cr. P.C. In the said circumstances, this appeal is allowed.

9. In the matter of M/s Medchl Chemicals and Pharma (P) Ltd. Vs. Biological E. Ltd., reported in 2000 SCC (Cr) 615, the Hon'ble Supreme Court has observed as under:-

"Exercise of jurisdiction under the inherent power as envisaged in Section 482 of the Code to have the complaint or the chargesheet quashed is an exception rather than a rule and the case for quashing at the initial stage must have to be treated as rarest of rare so as not to scuttle the prosecution....."

10. Be it noted that in the matter of exercise of the High Court's inherent power, the only requirement is to see whether continuance of the proceeding would be a total abuse of the process of Court. The Criminal Procedure Code contains a detailed procedure for investigation, charge and trial, and in the event, the High Court is desirous of putting a stop to the known procedure of law, the High Court must use a proper circumspection and as noticed above, very great care and caution to quash the complaint in exercise of its inherent jurisdiction. The parameters for quashing criminal proceedings have been crystallized in the case of State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, where the Hon'ble Supreme Court enumerated seven categories of cases warranting interference. Unless the allegations in the FIR, even if taken at face value, do not constitute any offence or are absurd, malafide, or inherently improbable, the Court should refrain from quashing.

11. In view of the above discussion and applying the principles laid down in Bhajan Lal (supra), Medchl Chemicals and Pharma (supra) and Ramjilal Bairwa, this Court finds no ground for exercise of inherent jurisdiction under Section 482 Cr.P.C.

12. Accordingly, the petition sans merits and is hereby dismissed.