

(2026) 01 JH CK 1848

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 28 Of 2026

Shayam Kumar @ Sumit Kumar @ Shyam Kumar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 15-01-2026

Acts Referred:

Bhartiya Nagrik Suraksha Sanhita, 2023 — Section 528

Code of Criminal Procedure, 1973 — Section 482

Bharatiya Nyaya Sanhita, 2023 — Section 87, 137(2)

Citation : (2026) 01 JH CK 1848

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Sunil Kumar Ganjhu, Ashok Kumar Goel, Vishwanath Roy, Nanda Kumari

Final Decision : Allowed

Judgement

Anil Kumar Choudhary, J

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 F.I.R., charge sheet and cognizance order dated 21.08.2025 as well as the entire criminal proceeding in connection with the Ratu P.S. Case No. 415 of 2024 involving the offence punishable under Section 137(2), 87 of the B.N.S., 2023.

3. Learned counsel for the petitioner and learned counsel for the opposite party No.2 jointly draw the attention of this Court towards Interlocutory Application No. 592 of 2026 which is supported by the separate affidavits of the opposite party No.2/informant and the Pairvikar of the petitioner as well as the victim girl and submits that therein it has categorically been mentioned that the petitioner's family as well as the Opposite party No.2's family are known to each other since several years and both the petitioner and the victim were also personally

known to each other since their school days. It was further jointly submitted that the petitioner and the victim girl were having love affairs with each other since long; with the family members of the Opposite Party No 2, were very much aware of the love affairs in between them. It is further jointly submitted that the victim girl, due to love affairs between them has already solemnized marriage with the petitioner in a temple and both are residing together as husband and wife in the house of the petitioner and has been blessed with a baby on 23.11.2025 and both the petitioner and the victim have become major. Learned Counsel for the petitioner submits that the dispute between the parties is a private dispute and no public policy is involved in this case. Learned counsel for the petitioner 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 chances of conviction of the petitioner is remote and bleak. Hence, it is submitted that the F.I.R., charge sheet and cognizance order dated 21.08.2025 as well as the entire criminal proceeding in connection with the Ratu P.S. Case No. 415 of 2024, be quashed and set aside.

4. Learned Special P.P. appearing for the State submits that in view of the compromise between the parties, the State has no serious objection for quashing the F.I.R., charge sheet and cognizance order dated 21.08.2025 as well as the entire criminal proceeding in connection with the Ratu P.S. Case No. 415 of 2024.

5. 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)

"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 predominately 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)”

6. Perusal of the record reveals that the offences involved in this case are neither heinous offence nor is there any serious offence of mental depravity involved in this case rather the same relates to personal dispute relating to love affairs.

7. Because of the complete settlement between the offender and the victim, the possibility of conviction of the petitioner is remote and bleak and continuation of the criminal case would put the petitioner 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.

8. Hence, this Court is of the considered view that this is a fit case where F.I.R, charge sheet and cognizance order dated 21.08.2025 as well as the entire criminal proceeding in connection with the Ratu P.S. Case No. 415 of 2024, as prayed for by the petitioner, be quashed and set aside.

9. Accordingly, the F.I.R., charge sheet and cognizance order dated 21.08.2025 as well as the entire criminal proceeding in connection with the Ratu P.S. Case No. 415 of 2024 is quashed and set aside against the petitioner.

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

11. In view of disposal of the instant Cr.M.P., I.A. No.592 of 2026 stands disposed of accordingly.

12. In view of disposal of the instant Cr.M.P, Interlocutory Applications, if any, stands disposed of being infructuous.