

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.40 of 2024**

1. Yusuf Khan, aged about 40 years, son of Siddique Khan, resident Belal Nagar, Chitarpur, P.O. Chitarpur, P.S. Rajrappa Project, District Ramgarh.

2. Nargis Nigar, aged about 36 years, wife of Minhaj Khan, resident of Village Chitarpur, Belal Nagar, P.O. Chitarpur, P.S. Rajrappa Project, District Ramgarh

3. Minhaj Khan, aged about 39 years, son of Siddique Khan, resident of Village Belal Nagar, Chitarpur, P.O. Chitarpur, P.S. Rajrappa Project, District Ramgarh ... Petitioners

Versus

1. The State of Jharkhand

2. Tarannum Nigar, aged about 32 years, wife of Yusuf Khan, resident of Belal Nagar, Chitarpur, P.O. Chitarpur, P.S. Rajrappa Project, District Ramgarh ... Opposite Parties

Petitioners

For the Petitioners

: Mr. Pratik Sen, Advocate

For the State

: Mr. Vineet Kr. Vashistha, Spl. P.P.

For the O.P. No.2

: Mr. Aditya Kr. Jha, Advocate

Mr. Sourav Kumar, 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 482 of the Code of Criminal Procedure with a prayer to quash and set aside the entire criminal proceedings including the order dated 30.10.2016 passed in connection with Rajrappa P.S. Case No.24 of 2016 corresponding to G.R. No.245 of 2016 whereby and where under the learned Sub Divisional Judicial Magistrate, Ramgarh has found *prima facie* case

for the offence punishable under Sections 323, 498-A, 34 of the Indian Penal Code as well as under Sections 3/4 of the Dowry Prohibition Act against the petitioners and the said case is now pending in the court of learned Sub Divisional Judicial Magistrate, Ramgarh.

3. 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.560 of 2024 which is supported by the separate affidavits of the petitioner No.1 and 2; and the opposite party No.2-informant wherein it has categorically been stated that the parties have quite sensibly thought over the issue of future prospects including both impact and benefits and have arrived on a conclusion that it would be better that the petitioners and the opposite party No.2 may get the dispute settled, hence, during the pendency of this case, the parties entered into a compromise with the intervention of well-wishers and close relatives and in view of the compromise, the informant/opposite party No.2 does not want to proceed with the case. Learned counsel for the petitioners further submits that the opposite party No.2 and the petitioner No.1 have resumed their conjugal life and they are leading a happy conjugal life along with their two children. Learned counsel for the petitioners next submits that the dispute is basically because of marital discord between the parties and the same has amicably been resolved. Learned counsel for the petitioners next submits that the dispute between the parties is basically a private dispute and no public policy is involved. 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 chances of conviction of the petitioners is remote and bleak.

Hence, it is submitted that the entire criminal proceedings including the order dated 30.10.2016 passed in connection with Rajrappa P.S. Case No.24 of 2016 corresponding to G.R. No.245 of 2016 which is now pending in the court of learned Sub Divisional Judicial Magistrate, Ramgarh, be quashed and set aside.

4. Learned Spl.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 including the order dated 30.10.2016 passed in connection with Rajrappa P.S. Case No.24 of 2016 corresponding to G.R. No.245 of 2016 which is now pending in the court of learned Sub Divisional Judicial Magistrate, Ramgarh.

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 not heinous offences nor is there any serious offence of mental depravity is

involved in this case rather the offences involved in this case relates to matrimonial dispute between the parties.

7. Because of the complete settlement between the offenders 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.

8. Hence, this Court is of the considered view that this is a fit case where the entire criminal proceedings including the order dated 30.10.2016 passed in connection with Rajrappa P.S. Case No.24 of 2016 corresponding to G.R. No.245 of 2016 which is now pending in the court of learned Sub Divisional Judicial Magistrate, Ramgarh, as prayed for by the petitioners, be quashed and set aside.

9. Accordingly, the entire criminal proceedings including the order dated 30.10.2016 passed in connection with Rajrappa P.S. Case No.24 of 2016 corresponding to G.R. No.245 of 2016 which is now pending in the court of learned Sub Divisional Judicial Magistrate, Ramgarh is quashed and set aside against the petitioners.

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

11. In view of disposal of the instant Cr.M.P., I.A. No.560 of 2024 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)