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MCRC-28084-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

ON THE 6th OF JANUARY, 2026MISC. CRIMINAL CASE No. 28084 of 2023*NAVEEN MISHRA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manish Datt - Senior Advocate along with Shri Rohan Awasthi -
Advocate appeared for the petitioner.

Shri Sumit Raghuwanshi - Govt. Advocate for respondent/State.

Shri Satyendra Jyotishi - Advocate for respondent No.2.
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ORDER

Heard counsel for the parties and perused the case diary.

This petition has been filed by the petitioner under Section 482 of Cr.P.C. for quashing of the FIR No.235/2023 for the offence punishable under Sections 376 & 376(2)(n) of IPC registered at Police Station - Omti, District- Jabalpur and all proceedings arising thereto.

When the matter is called, it is pointed out that there is an application for compromise i.e. I.A.No.30608/2025, which is signed by both the parties, who are essentially petitioner and victim. They are having relationship and pursuant to the complaint under Section 376 of IPC, which is filed by the lady/victim, the present proceedings initiated by the petitioner as well as victim.



Considering the seriousness of offence under Section 376 of IPC and keeping in mind though initially some serious allegations are leveled against the petitioner Naveen Mishra. It seems that parties have entered into amicable compromise and affidavit filed by the prosecutrix/victim as well as present petitioner Naveen Mishra is also filed along with the application for compromise.

Court is conscious about the fact that there is seriousness of the allegation at the same point of time. It transpired that when the parties now entered into amicable settlement and at the time of trial, no fruitful outcome can be expected in view of this development.

Therefore, considering the powers vested under Section 482 of Cr.P.C. and also considering the element of genuine settlement between the parties and more particularly, parties were present on earlier occasion and today also, the petitioner is present before the Court and affidavit is also filed by both the parties.

I am of the view that continuation of the proceedings pursuant to the said FIR will amount to file trial exercise. In view of the certain development, therefore, considering the totality of facts and circumstances of the case and considering larger interest of the parties, I am of the view that powers should be exercise by quashing proceedings initiated pursuant to impugned FIR.

In view of the order passed in MCRC No.28084/2023 (Naveen Mishra Vs. The State of M.P. and Others) and MCRC No.27172/2023 (Victim Vs. The State of M.P. and Others), the consideration of the same become nearly



academic as the proceedings are pursuant to the FIR is already quashed.

Therefore, consideration of application for cancellation of bail will not be required.

The present dispute is between the two parties and considering the nature of allegations which are not found against the interest of the society, in view of the decisions rendered in the cases of *Gian Singh Vs. State of Punjab* (2012) 10 SCC 303, and *Narinder Singh Vs. State of Punjab* (2014) 6 SCC 466, the relevant portion is mentioned as under :-

" 24. The two rival parties have amicably settled the disputes between themselves and buried the hatchet. Not only this, they say that since they are neighbours, they want to live like good neighbours and that was the reason for restoring friendly ties. In such a scenario, should the court give its imprimatur to such a settlement. The answer depends on various incidental aspects which need serious discourse. The Legislators has categorically recognized that those offences which are covered by the provisions of section 320 of the Code are concededly those not only do not fall within the category of heinous crime but also which are personal between the parties. Therefore, this provision recognizes whereas there is a compromise between the parties the Court is to act at the said compromise and quash the proceedings. However, even in respect of such offences not covered within the four corners of Section 320 of the Code, High Court is given power under Section 482 of the Code to accept the compromise



between the parties and quash the proceedings. The guiding factor is as to whether the ends of justice would justify such exercise of power, both the ultimate consequences may be acquittal or dismissal of indictment. This is so recognized in various judgments taken note of above."

"28. We have found that in certain cases, the High Courts have accepted the compromise between the parties when the matter in appeal was pending before the High Court against the conviction recorded by the trial court. Obviously, such cases are those where the accused persons have been found guilty by the trial court, which means the serious charge of Section 307 IPC has been proved beyond reasonable doubt at the level of the trial court. There would not be any question of accepting compromise and acquitting the accused persons simply because the private parties have buried the hatchet.

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to



compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure: (i) ends of justice, or (ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of



matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of



conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power



under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

Considering the nature of the dispute between the parties and considering the material available on record, I find that the powers under Section 482 of Cr.P.C. require to be exercised in view of the judgement of **Gian Singh** (supra). The compromise between the parties is accepted.

In the result, the M.Cr.C. is allowed. The proceeding in FIR No.235/2023 for the offence punishable under Sections 376 & 376(2)(n) of IPC registered at Police Station - Omti, District- Jabalpur and all other consequential proceedings are hereby quashed.

Accordingly, this petition is **allowed** and **disposed** accordingly.

(SANDEEP N. BHATT)
JUDGE



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