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MCRC-33739-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 19<sup>th</sup> OF SEPTEMBER, 2024MISC. CRIMINAL CASE No. 33739 of 2024*BHOLARAM**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Romesh Pratap Singh - Advocate for the petitioner.

Shri Abhishek Singh Bhadauria - G.A. for the respondents/State.

Shri Ghanshyam Singh, learned counsel for the respondent No.2.

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ORDER

By invoking inherent power of this Court, present petition has been preferred by the petitioner u/S. 482 of Cr.P.C. seeking quashment of FIR bearing Crime No.9/2024 registered at Police Station - Mahila Thana, District - Guna (M.P.) for the offences under Sections 376(2)(n), 366, 506, 323, 344 and 341 of IPC and other subsequent criminal proceedings initiated therefrom on the basis of compromise.

2. Alongwith the petition, both the parties have filed IA No.16103 of 2024 and 16156 of 2024 stating therein that the petitioner/accused and respondent no.2 have arrived at compromise, therefore, they do not want to pursue the matter further.

3. In compliance of order dated 09.08.2024 passed by this Court, the factum of compromise has been verified by the Principal Registrar of this



Court, who has recorded the statements of respondent No. 2 as well as the petitioner - accused and has submitted the report that the parties have arrived at compromise voluntarily without any threat, inducement or coercion.

4. Heard learned counsel for the parties and perused the record.

5. 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, and **Narinder Singh & others Vs. State of Punjab** (2014) 6 SCC 466, the Supreme Court has laid down 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 utilised in other material cases.

6. In view of the above facts and circumstances and taking into account the law laid down by Hon'ble Apex Court, in the opinion of this Court, continuance of the prosecution in such matters will be a futile exercise which will serve no purpose. Under such a situation, Section 482 Cr.P.C. can be justifiably invoked to prevent abuse of the process of law and wasteful exercise by the courts below.

7. Considering the fact that the respondent No.2/complainant and the petitioner/accused have amicably resolved the issue, this Court allows this MCRC with the following direction:-

(i). FIR bearing Crime No.9/2024 registered at Police Station - Mahila Thana, District - Guna (M.P.) for the offences under Sections 376(2)(n), 366, 506, 323, 344 and 341 of IPC is hereby quashed in respect to present petitioner/accused.



(ii) All the consequential proceedings flowing out of the said FIR also stand quashed.

8. It is made clear that the instant FIR is being quashed only keeping in view the facts and circumstances of the present case and this order cannot be taken as a precedent on the power of High Court to exercise its jurisdiction under Section 482 of Cr.P.C. to quash an FIR on the ground that the complainant and the accused have entered into a compromise.

9. With aforesaid, the petition stands **disposed of**.

10. No order as to cost.

(SUNITA YADAV)  
JUDGE

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