



**IN THE HIGH COURT OF MADHYA PRADESH**

**AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 1<sup>st</sup> OF APRIL, 2025**

**MISC. CRIMINAL CASE No. 48821 of 2024**

***RAJESH DUBEY AND OTHERS***

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

*Shri Ashirwad Dwivedi – Advocate for applicants.*

*Dr. Anjali Gyanani- Public Prosecutor for respondent/State.*

*Shri Pradeep Katare- Advocate for respondent No.2.*

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**ORDER**

This application, under Section 482 of Cr.P.C, has been filed for quashment of FIR in Crime No. 349 of 2021 registered at Police Station Gohad, District Bhind, for offences under Sections 307, 294, 341, 34, and 201 of IPC.

2. It is the case of applicants that a co-ordinate Bench of this Court, by order dated 3.1.2024 passed in MCRC No. 54171 of 2023, has quashed the FIR against co-accused on the basis of compromise. The case of applicant is also identical to the case of Bhanupratap alias Gullu Sikarwar.

3. On 27.2.2025, following order was passed:

“Dated :27-02-2025

Shri Ashirbad Dwivedi - Advocate for applicant.



Dr. Anjali Gyanani - Public Prosecutor for State.

Shri Pradeep Katare - Advocate for respondent No.2.

Counsel for State is directed to keep available the case diary on the next date of hearing.

Parties are directed to appear before the Principal Registrar of this Court on 03.03.2025 for verification of factum of compromise.

Whether FIR can be quashed on the basis of compromise or not, shall be considered after case diary as well as report of Principal Registrar of this Court is received.

List this case after report of Principal Registrar is received.”

4. Principal Registrar of this Court, after recording the statements of witnesses, has given the following report:

06.03.2025

In compliance of Hon'ble Court order dated 27.02.2025 the matter is placed before me for verification of compromise.

Complainant/respondent No.2 Bhole Khan is present with his Counsel Shri M.L. Yadav who has identified him.

Accused/Applicant No.1 Rajesh Dubey and No.2. Pratik Khandelwal are present with their Counsel Shri Ashirbad Dwivedi Adv who has identified them.

**Other Accused mentioned in the F.I.R. namely Gullu Sikarwar and Rupendra Rajawat are neither made party nor present.**

Parties have submitted copy of their Aadhar Cards regarding their identification.

Parties have filed I.A. No. 24143/2024 and 24144/2024 respectively for compromise alongwith their affidavits.

Statements of Complainant/respondent No.2 Bhole Khan and Accused/Applicant No.1 Rajesh Dubey and No.2. Pratik Khandelwal are recorded. Matter perused, inquired and verified as to factum of compromise.

Having verified the factum of Complainant/respondent No.2 Bhole Khan, I am of the view that he has arrived at compromise with Accused/Applicant No.1 Rajesh Dubey and No.2. Pratik Khandelwal voluntarily, without any threat, inducement or coercion.

Report is submitted accordingly.

Therefore, case be listed as per order of the Hon'ble Court.”

5. Thus, it is clear that the applicant and complainant have entered into a



compromise. From the statement of complainant, it is clear that he has merely entered into an agreement with applicants namely Rajesh Dubey and Pratik Khandelwal as he has stated as under:

“2. मेरे द्वारा आवेदकगण राजेश दुबे, प्रतीक खण्डेलवाल एवं दो अन्य के विरुद्ध पुलिस थाना गोहद, जिला भिण्ड में अपराध क्रमांक 349/2021 अन्तर्गत धारा 307, 294, 341, 34 एवं इजाफा धारा 201 भा.द.वि. के तहत प्रकरण पंजीबद्ध कराया था । जिसमें मेरा सिर्फ आवेदकगण राजेश दुबे एवं प्रतीक खण्डेलवाल से आपसी सहमति से राजीनामा हो गया ।”

6. Now the only question for consideration is as to whether the FIR can be quashed on the basis of compromise or not.

7. Applicants have not disclosed in the application that they are still absconding and police has kept the investigation pending against them under Section 173(8) of Cr.P.C. On the contrary, false statement has been made in paragraph 2 of the application, which reads as under:

“2. यहकि फरियादी/अनावेदक क्रमांक 2 भोले खों की की रिपोर्ट पर से आवेदकगण/आरोपीगण एवं अन्य सह आरोपीगण के विरुद्ध धारा 307, 294, 341, 34 भा.द.वि. की प्रथम सूचना रिपोर्ट दर्ज की गयी है तथा विवेचना के दौरान धारा 201 भादवि का इजाफा किया जाकर तथा अपराध का अनुसंधान पूर्ण कर अभियोग पत्र न्यायालय के समक्ष प्रस्तुत किया गया है ।”

8. Thus, it is clear that applicants have misled this court by claiming that police has completed the investigation and filed the charge sheet.

9. It is not the end of matter. Applicants have deliberately not filed complete charge sheet. Only first page of final report has been filed and the pages containing the status of investigation has been deliberately suppressed.

10. Furthermore, in compliance of order dated 27.2.2025, counsel for State has produced the copy of case diary. The case diary contains complete final report including the annexures. As per final report, applicants and Gullu Sikarwar are still absconding and, accordingly, investigation has been kept pending under section



173(8) of Cr.P.C.. This part of final report has been deliberately suppressed by the applicants.

11. Applicants have relied upon the order passed by co-ordinate Bench of this Court in the case of Bhanupratap alias Gullu Sikarwar which was decided on 3/1/2024 in M.Cr.C. No.54171/2023. It appears that the co-accused Bhanupratap alias Gullu Sikarwar had filed an application under section 482 of Cr.P.C. on 1/12/2023 whereas charge-sheet against co-accused Rupendra Singh Rajawat was filed on 18/12/2023. It is true that on the date of filing of application under section 482 of Cr.P.C. by the co-accused, charge-sheet was not filed, but when the case was taken up on 3/1/2024, charge-sheet was already filed. Therefore, it was obligatory on the part of co-accused Bhanupratap alias Gullu Sikarwar to point out that charge-sheet has been filed and he is absconding, but that was not done.

12. Be that whatever it may be,

13. The case diary contains injury report of Bhole Khan, according to which exit and entry wounds of fire arm were found on the right upper arm. In the present case, applicants have suppressed material fact and have made a false submission that charge-sheet has been filed without disclosing that they are still absconding and investigation has been kept pending under section 173(8) of Cr.P.C. Suppression of material fact by itself is sufficient to dismiss the application. It is well established principle of law that parties must come before the Court with clean hands and fraud vitiates everything. By making false submission in paragraph 2 of application that charge-sheet has been filed without disclosing that applicants are absconding and investigation against them has been kept pending under section 173(8) of the Cr.P.C., it is clear that applicants have played fraud upon the Court and, therefore, on this count alone, application for quashment of FIR on the basis of compromise is liable to be rejected. Furthermore, firing a gunshot in a public place is a serious offence against the society. Firing must have sent a wave of terror amongst the general public. Therefore, in the light of judgment passed by Supreme Court in the case of



**Gian Singh Vs. State of Punjab ((2012)10 SCC 303)** and **Narinder Singh and others Vs. State of Punjab and another ((2014)6 SCC 466)** coupled with the fact that applicants have tried to play fraud upon the Court by making a false statement as already mentioned above, this Court is of considered opinion that no case is made out warranting quashment of FIR on the ground of compromise.

14. Application fails and is, hereby, dismissed.

**(G.S. Ahluwalia)**  
**Judge**

(and)