



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE SANJEEV S. KALGAONKAR

ON THE 20th OF MAY, 2025

MISC. CRIMINAL CASE No. 11544 of 2025

ROHIT KUMAWAT AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Dr. Khuzema Kapadia - Advocate for the petitioner.

Shri Madhusudan Yadav – Govt. Advocate for the respondent/State.

Shri Nilesh Patel - Advocate for the respondent [R-2].

ORDER

This petition u/S 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023(BNSS,2023) is filed for quashing of the FIR relating to Crime No. 396/2024 registered at P.S. Manasa Distt. Neemuch for offence punishable u/S 420, 467, 468 and 471 of IPC & Section 66C of Information and Technology Act and consequential proceedings arising therefrom, on the basis of compromise between the parties.

2. The exposition of facts giving rise to the present petition are as under:

As per the case of prosecution, Gopal Gayari reported to P.S. Manasa Distt Neemuch that some unknown offender has withdrawn Rs. 15,000/- on 06.03.2024, Rs. 10,000/- on 07.03.2024 and Rs. 10,000/- on 22.06.2024 from his bank account without his knowledge and permission. Accordingly, P.S. Manasa registered FIR for offence punishable u/S 420 of IPC against



unknown offender. During investigation, following the money trail of the amount withdrawn from the account of Gopal, Rohit S/o Rajendra Prasad Kumawat and Ravi S/o Ramavtar Yadav were apprehended. They informed that Dharampal S/o Rameshwar Yadav induced and guided them to withdraw the money from the bank accounts of innocent depositors by manipulating and forging their thumb impressions. Accordingly, they procured BS (Biometric Scan) Machines from Yes Bank and ICICI Bank. Dharmapal utilizing their BS ID Machine had withdrawn the money of depositors by utilizing the finger prints. He had scanned the thumb impressions by inducing villagers on allurements of providing them benefits of Government schemes. Rohit and Ravi were arrested. Dharampal Yadav is absconding. The investigation is underway.

3. Learned counsel for the petitioners submits that parties have amicably settled their disputes. The complainant /respondent no.2 – Gopal has filed I.A. No. 4108/2025, application under Section 338 of BNSS, 2023 and I.A. No. 1811/2025, application for no objection in quashing of FIR along with affidavit sworn in by the complainant - Gopal stating that he has no objection for quashing of FIR bearing Crime No. 396/2024 registered at P.S. Manasa, Distt. Neemch.

4. This Court *vide* order dated 25.03.2025 directed both the parties to appear before the Principal Registrar for verification of factum of compromise.

5. The factum of compromise has been verified by the Principal Registrar of this Court, the statement of petitioners/accused as well as of respondent were recorded. The Principal Registrar submitted report dated



04.04.2025 that the parties have arrived at compromise voluntarily without any threat, inducement or coercion.

6. *Per contra*, learned counsel for the State opposes the petition on the ground of gravity of alleged offence.

7. Heard, learned counsel for both the parties and perused the record.

8. In case of *State of Haryana v. Ch. Bhajan Lal* reported in *AIR 1992 SC 604*, the Supreme Court laid down the principles for the exercise of the jurisdiction by the High Court in exercise of its powers under Section 482 Cr.P.C/528 of BNSS to quash the proceedings, as under :

“108. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 CrPC which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) CrPC except under an order of a Magistrate within the purview of Section 155(2) CrPC.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) CrPC.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is



instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. In the case of *Gian singh Vs State of Punjab, (2012) 10 SCC 303* the Supreme Court has held as under:

The position that emerges from the above discussion can be summarised thus :

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.

10. The factual matrix of the present case is examined in the light of aforesaid propositions of law. The investigation is at preliminary stage. Both the accused have revealed larger conspiracy with regard to forgery of thumb impression and fraudulent withdrawal of money from the bank accounts of innocent villagers. Main accused Dharampal is yet to be apprehended. Further investigation may reveal other offences committed by the accused. It is not a dispute *inter-se* the complainant and the accused. Rather, it has ramifications reflecting upon the online banking system. Therefore, in the considered opinion of this Court, no case is made out to invoke the inherent power u/S 482 of Cr.P.C. for quashing of FIR relating to Crime No. 396/2024 registered at P.S. Manasa, Distt. Neemuch for offence punishable u/Ss. 420, 467, 468 and 471 of IPC & Section 66C of Information and Technology Act and consequential proceedings arising therefrom on the basis of compromise.

11. The petition, *sans* merit, is dismissed.

(SANJEEV S KALGAONKAR)
JUDGE

sh/-