

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT
ON THE 2nd OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 32821 of 2024
JASPREET SINGH CHIMA
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ankit Saxena - Advocate for applicant.

Shri Pramod Pandey - Government Advocate for respondent No.1-State.

Shri Deepak Sakle - Advocate for respondent no.2-complainant.

ORDER

Applicant has filed this petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) for quashing of charge-sheet.

2. Counsel appearing for applicant submitted that compromise has taken place between the parties. Evidence has also been recorded. Dispute was over minor issue. In these circumstances, charge-sheet filed against applicant be quashed.

3. Government Advocate appearing for respondent No.1-State opposed the prayer and submitted that the offence alleged against applicant is under Section 326 of IPC, which is punishable up to life imprisonment or 10 years of imprisonment.

4. Heard counsel for the parties.

5. Schedule-II of Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) is reproduced as under:-

I. - CLASSIFICATION OF OFFENCES AGAINST OTHER LAWS

Offence	Cognizable or non-cognizable	Bailable or non-bailable	By what court triable
1	2	3	4
If punishable with death, imprisonment for life, or imprisonment for more than 7 years	Cognizable	Non-bailable	Court of Session
If punishable with imprisonment for 3 years and upwards but not more than 7 years	Cognizable	Non-bailable	Magistrate of the first class
If punishable with imprisonment for less than 3 years or with fine only	Non-cognizable	Bailable	Any Magistrate

6. Sub-Section 45 and Sub-Section 54 of Section 2 of Juvenile Justice (Care and Protection of Children), Act, 2015 are reproduced as under:-

- (45) “Petty offences” includes the offences for which the maximum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment upto three years;
- (54) “serious offences” includes the offences for which the punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force, is, -
- (a) minimum imprisonment for a term more than three years and not exceeding seven years; or
- (b) maximum imprisonment for a term more than seven years but no minimum imprisonment or minimum imprisonment of less than seven years is provided.

54 “Serious offences” includes the offences for which the punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force, is imprisonment between three to seven years.

7. Classification in Bharatiya Nagarik Suraksha Sanhita, Schedule-II (I) as mentioned above and Section 2(45) and Section 2(54) gives a guideline for categorization of offence into petty, serious, grave and heinous in nature. Offence can be categorized as under:-

(i) If offence is punishable with imprisonment of less than three years which is non-cognizable, bailable and triable by any Magistrate then same can be categorized as petty offence.

(ii) If offence is punishable with imprisonment for three years and upwards but not more than seven years same is cognizable, non-bailable and triable by Judicial Magistrate First Class, said offences are serious in nature.

(iii) If offence for which imprisonment for more than seven years or up to ten years is provided with no minimum imprisonment or sentence of life imprisonment or with minimum imprisonment of more than seven years, such offences are grave in nature.

(iv) If offence for which death sentence or life imprisonment or sentence of twenty years or more is provided, same is cognizable, non-bailable and triable by Sessions Court, such offences are heinous in nature.

8. Now it is to be considered by this Court whether criminal case and charge-sheet could be quashed by this Court on basis of compromise between the parties.

9. As per the scheme of Indian Penal Code and Code of Criminal Procedure, offence under Section 326 of the IPC is punishable up to life imprisonment or up to period of ten years. Offence under said Section is grave in nature. Offences which are grave in nature cannot be quashed on basis of compromise entered between the parties. Apex Court in case of *Gian Singh Vs. State of Punjab reported in (2012) 10 SCC 303* held that in case of grave nature, charge-sheet may not be quashed on basis of compromise.

10. In view of aforesaid, petition stands *dismissed*.

(VISHAL DHAGAT)
JUDGE

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