

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.44/2024

Shri Shakhyajit Choudhuri, S/o Shri Tapas Kumar Choudhuri, resident of College Tilla, P.O. Agartala College, Agartala, Tripura-799004.

..... Petitioner(s).

V E R S U S

1. The State of Tripura.

2. Ms. Ekata Deb D/o. Lt. Ankush Deb, Vill-10B Joynagar, Lane-06, Near Dashamighat Club, P.S. West Agartala, Tripura West.

..... Respondent(s).

Crl.Petn. No.45/2024

Shri Panna Roy, S/O. Late Sudhir Chandra Roy, resident of Netaji Nagar, Opposite to ONGC Main Gate, South Badharghat, P.O. ONGC, Agartala, Tripura-799014

..... Petitioner(s).

V E R S U S

1. The State of Tripura.

2. Ms. Ekata Deb D/o. Lt. Ankush Deb, Vill-10B Joynagar, Lane-06, Near Dashamighat Club, P.S. West Agartala, Tripura West.

..... Respondent(s).

Crl.Petn. No.46/2024

Shri Sudin Prakash Chattopadhyay (57) son of late Anadi Nath Chattopadhyay, resident of 15A, T1, Krishnachura, Akankha, Newtown, Kolkata, 700161.

..... Petitioner(s).

V E R S U S

1. The State of Tripura.

2. Ms. Ekata Deb D/o. Lt. Ankush Deb, Vill-10B Joynagar, Lane-06, Near Dashamighat Club, P.S. West Agartala, Tripura West.

..... Respondent(s).

Crl.Petn. No.47/2024

Shri Manideep Das, son of late Manindra Chandra Das, resident of Abhoynagar (Lake Centre), behind Malancha Office, Agartala, Tripura, 799005.

..... Petitioner(s).

V E R S U S

1. The State of Tripura.

2. Ms. Ekata Deb D/o. Lt. Ankush Deb, Vill-10B Joynagar, Lane-06, Near Dashamighat Club, P.S. West Agartala, Tripura West.

..... Respondent(s).

Crl.Petn. No.48/2024

Shri Biswajit Bhattacharjee, son of late Bimalendu Bhattacharjee, resident of Dhaleswar, Road No.7, Agartala, Tripura, 799007.

..... Petitioner(s).

V E R S U S

1. The State of Tripura.

2. Ms. Ekata Deb D/o. Lt. Ankush Deb, Vill-10B Joynagar, Lane-06, Near Dashamighat Club, P.S. West Agartala, Tripura West.

..... Respondent(s).

For Petitioner(s) : Mr. Abhishek Puri, Advocate,
Ms. Ayesha Saha Hirawat, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor,
Ms. Rajasree Purkayastha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Date of hearing and Judgment and Order : 30th April, 2025.

Whether fit for Reporting : YES.

JUDGMENT AND ORDER (ORAL)

Heard Mr. Abhishek Puri, learned counsel assisted by Ms. Ayesha Saha Hirawat, learned counsel appearing for the petitioners. Also heard Mr. Raju Datta, learned Public Prosecutor appearing for the respondent-State and Ms. R. Purkayastha, learned counsel appearing for the private respondent No.2.

[2] All the petitioners are accused in the FIR No.2018 KKB 107 instituted on 03.11.2018 under Sections 354(A)/354(B)/376(2)(n)/417/506/509 of the Indian Penal Code (*IPC, for short*). All the petitions have been clubbed together vide order dated 04.12.2024 as each one of the petitioners seeks quashing of the same F.I.R. by invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure (Cr.P.C., for short) on the basis of a settlement/ agreement dated 30.10.2024 (Annexure-2) arrived at between the respondent No.2/informant and the petitioners. The respondent No.2 is the informant who has entered into a common settlement with all the

five accused persons, i.e. the present petitioners. Upon investigation, the police has submitted charge-sheet bearing No.01/2019 dated 02.01.2019 under different provisions of the IPC against individual accused persons some of which are common also. Charges have been framed against the individual accused persons by the learned trial Court, i.e. learned Additional Sessions Judge, Gomati Judicial District, Udaipur. Some of the offences have been dropped on the discharge petitions preferred by individual petitioners.

[3] Earlier all the petitioners had joined together in Crl. Petn. No.41 of 2024 for quashing of the FIR on the basis of the settlement dated 30.10.2024 arrived at between the respondent No.2 and the individual accused persons/petitioners herein. However, the petitions were withdrawn vide order dated 20.11.2024 with liberty to file individual petitions.

[4] A tabular chart containing the offences under which the individual petitioners have been charge-sheeted and the offences under which they have been charged by the learned trial Court are furnished in a tabular form by learned counsel for the petitioners which is as under:

FIR NO. 2018 KKB 107

SI.	Petitioner Name	Petition No.	Offence as per the FIR	Offence as per the Charge-sheet	Section under which charges were framed
1.	Shakhyajit Choudhuri	Crl. P. 44/2024	354(A), 354(B), 376(2)(n), 417, 506, 509 of IPC.	354(A), 376(2)(n), 506, 509	Charged-354(A) and 376(1) Discharged-354(B), 376(2)(n), 417, 506, 509
2.	Panna Roy	Crl. P. 45/2024	-DO-	376(2)(n) and 417	Charged-376(2)(n) and 417
3.	Sudin Prakash Chattopadhyay	Crl. P. 46/2024	-DO-	354A and 509	Charged-354A Discharged-509
4.	Manideep Das	Crl. P. 47/2024	-DO-	354A and 509	Charged-509

					Discharged- 354A
5.	Biswajit Bhattacharjee	Crl. P. 48/2024	-DO-	354A and 509	Charged- 509 Discharged- 354A

In order to canvass the case of the petitioners, chronology of dates and events has also been furnished by the petitioners.

[5] The relevant dates encapsulating the chronology of events as furnished on behalf of the petitioners are also incorporated hereunder:

LIST OF DATES

Sl. No.	Date	Particulars
1.	01.08.2012	The Respondent No. 2 herein was engaged as a Graduate Engineer Trainee in OTPCL.
2.	01.08.2013	After completing her 6 months training at Faridabad, she was posted at Palatana, Tripura. Respondent No. 2 was given the post of Executive (O & M).
3.		The Petitioners namely Shri Shakhyajit Choudhuri, Shri Panna Roy, Shri Sudin Prakash Chattopadhyay, Shri Manideep Das and Shri Biswajit Bhattacharjee were also employed with OTPCL and were holding various important positions whereas the Respondent No. 2 was discharging her duties as an Executive. According to the Petitioners, for alleged misconduct, a departmental inquiry was also instituted by the OTPCL against the Respondent no. 2.
4.	19.07.2016	OTPCL received resignation letter from Respondent no. 2, citing medical grounds and apologized for the incidents.
5.	30.07.2016	In view of the circumstances stated hereinabove, OTPCL recalled the domestic enquiry initiated against her, as also her suspension, and her services were relieved w.e.f 30.07.2016 with full differential pay as per company rules and final settlement was made by HR Department of OTPCL without any disputes.
6.	November 2018	Pursuant to the resignation of the Respondent No.2 in July 2016, after a period of around 2.5 years, the Respondent no. 2 in November 2018 lodged a complaint with the Kakraban Police station against the Petitioners in Crl. P. 44-48/2024, including the Vice-President (who was the senior most official of OTPCL based in Tripura, and in charge of the plant).
7.	03.11.2018	The Police authorities registered FIR bearing no. 2018 KKB 107 dated 03/11/2018 was registered under Sections 354(A), 354(B), 376(2)(n), 417, 506, 509 of Indian Penal Code, 1860 against the Petitioners in Crl. P. 44-48/2024 who were also the employees of OTPCL including the Vice President.
8.	02.01.2019	Charge-sheet bearing No.1/2019 was filed by the Tripura Police in respect of FIR bearing No. 2018 KKB 107.
9.	January 2019	Pursuant to FIR being registered in November 2018, the Respondent no. 2 started calling OTPCL officials.
10.	13.02.2019	Respondent No.2 continued emailing OTPCL even after informing her that they were not in a position to comply with what was stated in various emails sent by her. Therefore, OTPCL filed a complaint bearing no. OTPC/HR&A120 18-19/3 887 with the police.
11.		The Respondent No.2 wrote two emails (07.04.2019 and

	07.04.2019 and 10.04.2019	10.04.2019) wherein she clearly and unequivocally stated that she wanted to withdraw and not press the complaints against the Petitioners/ accused persons in FIR No. 2018 KKB 107 and only wanted to prosecute one Jayanta Chakraborty with whom she claimed to have a marriage like/ conjugal relationship.
12.	14.05.2019 and 07.01.2020	<p>Respondent No.2, thereafter, filed a complaint against another employee of OTPCL namely Shri Jayanta Chakaraborty. Pursuant to the same Tripura Police had registered an FIR dated 14.05.2019 against Mr. Jayanta Chakraborty.</p> <p>Pursuant to investigation, the Tripura Police had filed a charge-sheet dated 07.01.2020 against Mr. Chakraborty seeking prosecution against him for charges u/s 376/419/354(A)(iii) IPC.</p> <p>In the meantime, vide judgment dated 05.02.2021 in CrI. P. 11 of 2020, this Hon'ble High Court of Tripura has quashed the criminal proceedings u/s 376/419/354(A) and against the said Judgment dated 05.02.2021 the Respondent No.2 filed an SLP CrI. No. 6835/2021, which was dismissed by Hon'ble Supreme Court vide order dated 07.01.2025.</p>
13.	14.07.2019	The officials of OPTCL received an anonymous email by an email id titled as "Pratibadhi Kantha" wherein 3 days were given to the OTPCL officials to comply with the demands made therein otherwise a police complaint would be filed against them.
14.	18.07.2019	Respondent no. 2 addressed an email to SP, Gomati District, Tripura Police, raising various allegations against officials of OTPCL. On receipt of this email, OTPCL registered a diary entry bearing GDE No. 26 dated 29.07.2019 in the Kakraban Police Station which was eventually registered as FIR bearing no. KKB(PS)15/2022 under Sections 120- B/182/211/354-A/417/500/501/506/509 and 34 of the Indian Penal Code, 1860. The officer in charge of the Kakraban PS in view of the circumstances decided to take up enquiry under section 157(1) CrPC and the case was endorsed to SI Sankar Saha for completion of such enquiry.
15.	26.06.2020	FIR bearing no. 2020/KB/057 was registered at Kakraban Police Station on the basis of a ZERO FIR bearing Cr. No. 00/2019 (ZERO) under Section 354A, 354D, 466, 509 IPC dated 12.11.2019 pursuant to similar complaint being filed by Respondent no. 2 against 4 employees of OTPCL, which was forwarded to the Kakraban Police Station in Tripura from the Hennur Police Station, Bangalore.
16.	23.07.2019	OTPCL filed an additional complaint, drawing reference to the earlier complaint dated 13.02.2019, seeking registration of an FIR against the Respondent no. 2, as also other unknown accused persons, in view of the email dated 20.01.2019, 18.07.2019 and other emails, inter alia for the offence of extortion. The Kakraban Police Station registered FIR bearing KKB/075/2019 dated 30.07.2019. The said FIR was registered under u/s 120 (B), 384, 506 of IPC, 1860 and 67A of IT Act, 2000. Post completion of the investigation process, the charge-sheet was filed in September 2020.
17.	28.09.2020	Charge-sheet bearing Kakraban PS CS No. 55 of 2020 was filed by the Tripura Police in respect of FIR bearing 2019 KKB 075.
18.		<p>Pursuant to the order dated 13.06.2019 the prosecution filed a list of witnesses disclosing in total 21 witnesses that is sought to examining in order to bring home the charges against the accused persons and over a period of almost 6 years periods only 14 witnesses have been examined with none of the witnesses proving the charges against the Petitioner and other accused persons.</p> <p>Majority of the witnesses have turned hostile to version of the police as mentioned by it in the charge sheet and have not able to</p>

		prove the charges.
19.		The Petitioners in Crl. P. 44-48/2024, thereafter, filed a Petition under Section 482 of the Code of Criminal Procedure, 1973 bearing no. Crl. Petn. No. 8 of 2021 for quashing and cancelling the order dated 13.06.2019 passed by Ld. Additional Session Judge, Udaipur, Gomati, Tripura in case no. ST 15 of 2019 by which charges have been framed against the Petitioner along with cancelling the charge sheet along with the FIR No. 2018 KKB 107.
20.	04.03.2021	The abovementioned Petition filed by the Petitioner, under Section 482 of the Code of Criminal Procedure, 1973 bearing no. Crl. Petn. No. 8 of 2021 was withdrawn.
21.	12.03.2021	FIR No. Cr. No. 00/2019 was quashed in Crl. Petn. 40 of 2020.
22.	15.06.2024	That the Respondent no. 2, approached accused persons/ OTPCL employees in KKB(PS)/15/2022 and expressed that she wants to move on in her life and in order to bring quietus to all the disputes between the Respondent no. 2 and approached accused persons/ OTPCL employees in KKB(PS)/15/2022 and that she wants to mutually bring an end to all the Legal cases pending before various courts between the parties. Therefore, the parties by their free will and consent, mutually resolved their disputes and differences forming subject matter of the said FIRs bearing no. KKB(PS)/75/ 2019 and KKB(PS)/15/2022 and have reached full and final agreement amongst themselves and parties entered into a settlement agreement dated 15.06.2024 and preferred quashing Petitions u/s 482 of Code of Criminal Procedure, 1973, bearing no. Crl. Petn. No. 21 of 2024 and Crl. Petn. No. 22 of 2024.
23.	20.06.2024	OTPCL again entered into a Settlement Agreement dated 20.07.2024 with one of its employee namely Mr. Prasenjit Acharjee for quashing of FIR bearing no. KKB(PS)/75/ 2019 and thereafter, quashing Petition u/s 482 of Code of Criminal Procedure, 1973 bearing Crl. Petn. No. 28 of 2024 was preferred.
24.	20.06.2024 and 22.07.2024	Hon'ble High Court vide two separate orders dated 20.06.2024 and 22.07.2024 was pleased to quash the FIR bearing no. KKB(PS)/75/ 2019. That FIR bearing no. KKB(PS)/15/2022 was also quashed vide order dated 20.06.2024 passed by the Hon'ble High Court in the Crl. Petn. No. 22 of 2024.
25.	30.10.2024	Respondent no. 2 approached the Petitioners in Crl. P. 44-48 namely Shri Shakhyajit Choudhuri, Shri Panna Roy, Shri Sudin Prakash Chattopadhyay, Shri Manideep Das and Shri Biswajit Bhattacharjee in Crl. P. 44-48/2024, and expressed that she wants to move on in her life and in order to bring quietus to all the disputes and that she wants to mutually bring an end to all the Legal cases pending before various courts between the parties. Therefore, the parties by their free will and consent, mutually resolved their disputes and differences forming subject matter of the said FIRs and have arrived at an amicable settlement and have entered into a settlement agreement dated 30.10.2024.
26.	20.11.2024	Crl.Petn. No.41 of 2024 filed by the present petitioners was withdrawn.

[6] Mr. Abhishek Puri, learned counsel for the petitioners from the tabular chart furnished in the foregoing paragraphs has submitted that:

(i) As against petitioner Sri Sudin Prakash Chattopadhyay, charges have been framed only under Section 354(A) of the Indian Penal Code, 1860;

(ii) As against petitioners Sri Manideep Das and Sri Biswajit Bhattacharjee charges have been framed only under Section 509 of the Indian Penal Code, 1860 by the learned court;

(iii) As against petitioner Sri Sakhyajit Choudhuri, charge has been framed only under Sections 354(A) and 376(1) of the Indian Penal Code, 1860;

(iv) As against petitioner Sri Panna Roy, charge has been framed under Sections 376(2)(n) and 417 of the Indian Penal Code, 1860.

[7] In continuation with the chronology of dates and events referred to in the tabular chart above it is further submitted that the respondent No.2 approached the OTPCL officials with respect to FIR bearing No.KKB(PS)15/2022 and FIR bearing No.KKB/075/2019 to bring a quietus to all the disputes.

(i) FIR No.KKB(PS)/075/2019 was filed by OTPCL against which Criminal Petition No. 21/2024 was preferred by respondent No.2 and the Hon'ble High Court quashed the said FIR by order dated 20.06.2024 on the basis of settlement agreement dated 15.06.2024.

(ii) FIR No.KKB(PS)/075/2019 was filed by OTPCL against which Criminal Petition No. 28/2024 was preferred by Prasenjit Acharjee and the Hon'ble High Court quashed the said FIR by order dt. 22.07.2024 on the basis of settlement agreement dated 20.06.2024.

(iii) FIR No.KKB(PS)/015/2022 was filed by Respondent no.2 against which Criminal Petition No. 22/2024 was preferred by Champa Pal, Satyajit Ganguly, Shiv Kumar Bhagat and Sharad Chandra Mishra following which the Hon'ble High Court quashed the said FIR by order dated 20.06.2024 on the basis of settlement agreement dated 15.06.2024.

[8] It is submitted that the respondent No.2 has thereafter approached the petitioners, namely, Shri Shakhyajit Choudhuri, Shri Panna Roy, Shri Sudin Prakash Chattopadhyay, Shri Manideep Das and Shri Biswajit Bhattacharjee and expressed that she wants to move on in her life and in order to bring quietus to all the disputes between the respondent No.2 and the petitioners, she wanted to mutually bring an end to all the legal cases pending before various courts between the parties. Therefore, the parties have by their free will and consent mutually resolved their disputes and differences forming subject matter of the FIR bearing No.KKB/107/2018 and have reached full and final agreement amongst themselves on 30.10.2024.

[9] It is submitted that the FIRs arising through certain disputes which allegedly arose within the Company premises and during the tenure of service of the respondent No.2 have been already quashed by the Hon'ble High Court vide its three separate orders dated 05.02.2021, 20.06.2024 and 22.07.2024 and the disputes have been amicably settled. With respect to the allegations raised in the instant FIR bearing No.2018 KKB 107 dated 03.11.2018, there also has been a settlement between the parties and if the matters are not settled then it may cause unnecessary turmoil for both the parties for years to come and the parties would be involved in prolonged and fruitless litigation.

[10] In view of the facts stated hereinabove, the FIR No.2018 KKB 107 registered under Sections 354(A), 354(B), 376(2)(n), 417, 506, 509 and the proceedings emanating therefrom are liable to be quashed by this Hon'ble Court in the respective Petitions in interest of justice and as no useful purpose

would be served by continuing the trial in these matters in view of the legal propositions stated hereinbelow.

[11] Based on the aforesaid facts, learned counsel for the petitioners has submitted that the offences arrayed in the FIR do not involve heinous and serious offences of mental depravity and are not the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants. The offences alleged in the Complaint have been mentioned for the sake of it and even based on the evidence collected during the investigation, the offences are not made out. The FIR bearing No.2018 KKB 107 was filed belatedly after a lapse of 2.5 years of the said incident and was an afterthought. The trial is going on from approximately last 6 years and has not yet been over. It is at the stage of recording the prosecution witness statement only.

[12] It is submitted that the evidence has not yet been completely recorded. Out of 19 witnesses only 14 have been examined and that too about 2 ½ years back. None of those witnesses have proved the charges against the petitioners. Majority of the witnesses have turned hostile. The last witness was examined on 20.04.2023. Out of the remaining witnesses, the mother and father of the informant/respondent No.2 have not appeared to support the case of the informant. Apart from these two witnesses, the two Medical Officers and the Investigating Officers have not been examined till date.

[13] It is submitted that the allegation of rape under Section 376(1) against Shakhyajit Choudhuri or against the other accused person, namely, Panna Roy under Section 376(2)(n) of IPC is wholly unlikely to be proved as

the allegations have been made after 2 ½ years after the respondent No.2 left the OTPCL. The respondent No.2 has entered into a voluntary settlement with the accused persons without any coercion or duress as she wants to move ahead in life.

[14] It is submitted that in the case of *Kapil Gupta v. State of (NCT of Delhi)* reported in (2022) 15 SCC 44 the Apex Court has quashed a criminal proceeding under Section 376 of IPC taking into consideration the settlement between the parties. The Apex Court held that the power of the High Court under Section 482 of the Cr.P.C. is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with even in cases seeking quashing of proceedings wherein heinous and serious offences are involved. The Court can examine whether the settlement is going to result into harmony between the parties which may improve their mutual relationship.

[15] The chronology of facts and events shows that the respondent No.2 had been instrumental in lodging several FIRs against the officials of the OTPCL alleging serious offences. The other FIRs have been quashed by this Court on the basis of settlement arrived at between the petitioners, i.e. the said accused persons and the respondent No.2 and also on merits as against one of the accused Jayanta Chakraborty bearing FIR No.2019/KKB/41 vide judgment dated 05.02.2021 in CrI. Petn. No.11/2020. The Apex Court has refused to interfere in the matter vide judgment dated 07.01.2025 passed in SLP(CrI.) No.6835/2021. Therefore, no useful purpose would be served as the prosecution would definitely not lead to any fruitful result. Learned counsel for

the petitioner has also relied upon certain decisions in support of his submission which shall be referred and discussed in the later part of this judgment.

[16] It is submitted that the Apex Court in the case of *Narinder Singh v. State of Punjab* reported in (2014) 6 SCC 466 has at paragraph-29.2 laid down the guiding factors where criminal proceedings can be quashed on the basis of a settlement, i.e. to secure the ends of justice or to prevent abuse of the process of any Court. Both the purposes would be sub-served in the interest of not only the accused but the respondent No.2 as well if the instant criminal proceedings are quashed.

[17] Learned Public Prosecutor has opposed the prayer and made the following submissions:

(i) That the petitioners have filed the aforesaid criminal petitions praying for quashing the FIR vide No.2018 KKB 107 registered under Sections 354(A)/354(B)/376(2)(n)/417/506/509 of IPC and the proceedings enumerating there from and the basic grounds for quashing the said FIR is that all the disputes have been amicably settled between the parties and the parties have entered into a settlement agreement dated 15.06.2024.

(ii) That the brief facts of the case is that the Respondent No.2 lodged an FIR vide No.2018 KKB 107 registered under Sections 354(A)/354(B) /376(2)(n) /417/506/509 of IPC against the petitioners and others. After investigation, charge sheet was submitted on 02.01.2019 vide Charge Sheet No.01 of 2019. Thereafter charge have been framed against the petitioners by an Order dated 13.06.2019 by Ld. Additional Sessions Judge, Udaipur, Gomati Tripura.

(iii) The learned Additional Sessions Judge framed charge under Sections 417/376(2)(n) of IPC against Sri Panna Roy i.e. the petitioner of Crl. Pet. 45 of 2024.

(iv) Against the petitioner of Crl. Pet. 44 of 2024 namely Sri Sakhyajit Choudhuri, charge has been framed under Sections 354A/376(1) of IPC.

(v) Against the petitioner of Crl. Pet. 46 of 2024 namely Sri Sudin Prakash Chattopadhyay, charge has been framed under Section 354A of IPC.

(vi) The Ld. Additional Sessions Judge has framed charge under Section 506 of IPC against Sri Manideep Das i.e. the petitioner of Crl. Pet. 47 of 2024 and Sri Biswajit Bhattacharjee i.e. the petitioner of Crl. Pet. 48 of 2024.

(vii) During trial, the prosecution has cited 21 witnesses, out of which 14 witnesses have already been examined. During examinations of witnesses, the victim disclosed the real facts of the case as to how she was raped by the accused persons and how other accused persons committed offence against the complainant. In support of the charges framed, the complainant has given her deposition. For ready reference, the depositions of witnesses already examined are annexed at Page No.161 onwards (Annexure-16) in Crl. Pet.44 of 2024. Other witnesses have also supported the statement of the victim.

(viii) As a result, sufficient incriminating materials have been collected by the Prosecution during trial against all the accused persons and the statements of the witnesses have confirmed that all the petitioners herein are guilty of offence charged against them. Moreover, Sections 354(A)/354(B)/376(2)(n)/417/506/509 of IPC under which the FIR was registered are all non compoundable in nature and they cannot be compounded as per law. The petitioners in the criminal petitions have not challenged the order passed by the Ld. Additional Sessions Judge whereby charges were framed nor the charge sheet have been challenged and even during trial, the petitioners never approached the learned Trial Court to discharge them and as such without challenging the Order of charge, the present petitions are not maintainable.

(ix) That the Hon'ble Supreme Court of India as well as different High Courts of our country has specifically observed that except in matrimonial dispute and commercial dispute, there is no scope of quashing an FIR on the basis of amicable settlement against the offences which are non compoundable in nature. The Hon'ble Apex Court has also held that in connection with offences related to body of women, FIR cannot be quashed on the basis of an amicable settlement as the said offences are against the society and hence, the said offences cannot be quashed on the basis of settlement even with the victim herself. So, the present criminal petitions are not maintainable and deserve to be dismissed.

[18] Learned Public Prosecutor has also placed reliance upon certain judgments in his support which shall be dealt with in the later part of the judgment.

[19] The respondent No.2 has appeared today pursuant to the order dated 23.04.2025. During interactions with her, she stated that the settlement has been arrived at between her and the accused persons/petitioners on 30.10.2024 as she wants to give a quietus to the litigation and move ahead in life. She belongs to Tripura but is presently working with a law firm in Bangalore. She has also stated that for a considerable period of two and half years, she was undergoing rehabilitation multiple times for mental problems. The instant FIR has been registered after she was in a proper frame of mind. She has also stated that she had appeared in the trial and deposed in favour of the prosecution case.

[20] Mr. Abhishek Puri, learned counsel for the petitioners in reply submits that nomenclature of the offence is not the decisive factor. In the present case, one of the accused is being tried on the allegations of rape on multiple occasions while other 3 accused are being tried for outraging the modesty of woman or criminal intimidation as per the charges framed against individual petitioners. However, if the case is considered in its overall perspective, these allegations are unlikely to lead to conviction of the accused persons even if the trial is allowed to proceed. The petitioners have realised the futility of engaging in the long drawn litigation and, therefore, entered into a settlement with respondent No.2 who volunteered for it with her free will and consent without any duress. It is further submitted that the Apex Court in case

of *Ramawtar versus State of Madhya Pradesh*, reported in (2022) 13 SCC 635 quashed the criminal proceedings even under the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 34 of IPC. He has reiterated the submissions made earlier and prayed that the proceedings as against the petitioners be quashed on the basis of the settlement arrived at between them with respondent No.2.

[21] I have heard learned counsels for the parties at length and given anxious consideration to the case at hand. From the chronology of facts and events encapsulated in the preceding paragraphs of this judgment, no doubt the instant FIR bearing No.2018 KKB 107 was registered on 03.11.2018 after about 2 and half years after respondent No.2 resigned from the OTPCL citing medical grounds. However, the police upon investigation charge-sheeted the accused persons under Section 354(A)/354(B)/376(2)(n)/417/506/509 of IPC for different offences. The tabular chart containing the offences alleged as per FIR against all the accused persons, the offences for which they were charge sheeted and the offences under which charges have been framed by the learned Trial Court are being furnished hereunder once again for better appreciation :

FIR NO. 2018 KKB 107

SI.	Petitioner Name	Petition No.	Offence as per the FIR	Offence as per the Charge-sheet	Section under which charges were framed
6.	Shakhyajit Choudhuri	CrI. P. 44/2024	354(A), 354(B), 376(2)(n), 417, 506, 509 of IPC.	354(A), 376(2)(n), 506, 509	Charged- 354(A) and 376(1) Discharged- 354(B), 376(2)(n), 417, 506, 509
7.	Panna Roy	CrI. P. 45/2024	-DO-	376(2)(n) and 417	Charged- 376(2)(n) and 417

8.	Sudin Prakash Chattopad hay	CrI. P. 46/2024	-DO-	354A and 509	Charged-354A Discharged-509
9.	Manideep Das	CrI. P. 47/2024	-DO-	354A and 509	Charged- 509 Discharged- 354A
10.	Biswajit Bhattacha rjee	CrI. P. 48/2024	-DO-	354A and 509	Charged- 509 Discharged- 354A

[22] In the present trial, 14 out of 19 witnesses have been examined including the respondent No.2 as P.W.1. In her deposition which spreads over 11 pages, she has supported the allegations made in the FIR. In a petition under Section 482 of Cr.P.C, this Court consciously refrains from scrutinizing the contents of her deposition to arrive at a finding in respect of the allegations made against one or the other petitioners i.e. whether they are likely to lead to the conviction of the accused persons or the charges are likely to fail, more so, since the trial is pending. It can only be observed that the respondent No.2 has despite cross-examination stood up to the allegations made by her against the accused persons. It is also true that some of the witnesses have turned hostile while some have not come forward to support the prosecution case in its entirety. The last witness was examined in February, 2023. For inexplicable reasons, the prosecution has not adduced the remaining five witnesses through learned Public Prosecutor has submitted that if the trial is allowed to proceed the remaining witnesses would also be examined no sooner. The remaining important witnesses are the Medical Officer, the Investigating Officer and Seizure List Witnesses. It is also true that the mother and father of respondent No.2 have not appeared to depose during trial. The father of the respondent No.2 is no more having passed away in 2021. The respondent No.2 in her

deposition has also stated that her mother had instituted a civil suit against her which got disposed of. Petitioners have invoked the jurisdiction of this Court under Section 482 of Cr.P.C pursuant to the settlement arrived at between them with respondent No.2 on 30.10.2024. In that way, parties have allowed the trial to progress to a considerable extent when only five witnesses are left to be examined. A common settlement has been arrived at between respondent No.2 and all the petitioners. The first party is the respondent No.2 and petitioners are the second to sixth party. The relevant part of which is incorporated hereunder (Annexure-2).

“NOW THIS AGREEMENT WITNESSETH THE TERMS AND CONDITIONS DETAILED HEREUNDER:

1. It is undertaken that by virtue of this Agreement between the 1st Party and 2nd to 6th Party [**Collectively Party-B**], the pending legal proceeding that is ongoing at Court of Law would be brought to an end and/or withdrawn and/or get quashed, as the cases may be, from the appropriate Courts/Legal Fora and that, no other fresh proceedings on the same issues and/or cause of action relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**' will be initiated by either of Parties vis-Party A, and all or Part of Party-B against such Order.
2. That the 1st Party have no objection if FIR No.2018 KKB 107 dated 03.11.2018 and the proceedings emanating therefrom filed by the 1st Party against the 2nd to 6th Party is quashed at Hon'ble Tripura High Court.
3. That, it is further mutually agreed between the parties [A & B] that 1st Party hereto shall withdraw the pending legal proceeding initiated by Party A, relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'. On this behalf, both the parties [A & B] shall do all the necessary acts, deeds, matters and things, and signs, and also shall execute all such appropriate deeds and papers and move the requisite and necessary proceedings to bring a final closure, fully and also seek closure to all the pending proceedings relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'.
4. That, the 1st Party and all the Parts of Party-B, from 2nd party to 6th Party has agreed to cooperate fully and diligently in the execution of the terms and conditions of the settlement agreement, with the assistance of their respective counsels.
5. That, it is settled after compliance of the terms and conditions of this Agreement, that there shall remain no further dispute due between the parties [A & B] relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'. And that none of the parties [A & all or part of B] shall file any nature of civil or criminal or tertian proceedings against each other at any time in the future relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'.
6. That, both the parties [A & all or part of B] has promised out from free will and volition that if any other case/petition/complaint etc between the parties [A & all or part of B] relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**' is pending in any court of Law or any kind of Executive/Legislative/Judicial Fora, any authority and any tribunal/commissions the same shall be retracted and/or withdrawn and/or get disposed of by the respective parties.
7. That, the 1st party and all or part of Party-B [from 2nd to 6th party] ensures and assures each other through this settlement agreement that none of them will file/initiate any kind of civil/criminal/tortuous proceedings against each other relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'. Both parties agree that they don't have any grievances and/or pending cause of action against each other apart from '**INSTANT FIR**' and/or other proceedings/FIRs already initiated by First party. Accordingly the First party or second party would not file/initiate any new civil/criminal/tortuous proceedings or any proceedings of whatsoever nature for any cause of action/grievances that has arisen prior to signing of this agreement.

8. That, both the Parties [A & all or part of B] has ensured and assured in their sound state of mind, out of free will, and volition, being under no situations of fear, coercion or any kinds of threats that post signature of this agreement, they cannot retract from filing the quashing petition of '**INSTANT FIR**'. Also, that the 1st Party cannot refute to withdraw all the pending proceedings relating to/arising from the Cause of Action/(s) from '**INSTANT FIR**'.

9. In this regard, both the parties [A & B] have also signed and executed a quashing petitions under section 482 of CrPC and the supporting affidavits to be filed before the Hon'ble Tripura High Court, on _____. Thus, both the parties [A & B] also have assured that they will be present before the Hon'ble Court to prosecute the said proceedings on oath or through their legal counsels, as the situation demands, on all relevant dates and would support the said petitions.

10. Both the Parties [A and all or Part of B] through this Agreement have thus settled their dispute out of their own free will, without any fear, force, coercion or undue influence from any side.

11. That the FIR's arising through certain disputes which arose within the Company premises and during the tenure of service of the 1st party have been already quashed by the Hon'ble High Court vide its two separate orders dated 20.06.2024 and 22.07.2024 and the disputes have been amicably settled. Thus, with respect to the allegations raised in the FIR bearing no. FIR No.2018 KKB 107 dated 03.11.2018 there has been a quietus reached between the parties with respect to these disputes and if the matters are not settled then it may cause unnecessary turmoil for both the parties for years to come and the parties would be involved in prolonged and fruitless litigation.

12. That, this Agreement is a complete repository of all terms and conditions agreed between the parties on the subject matter and substitutes any prior discussions, negotiations or understanding and no term or conditions not contained in this Document shall bind the parties [A & B] unless and until it is recorded in this Agreement.

13. No oral discussion, transaction, understanding, or agreement shall be set up by the parties to contradict or vary the terms hereof recorded. No agreement hereafter entered into between the parties [A & B] hereto on the present subject shall be valid or binding between them unless and until the terms thereof are recorded in writing and duly signed and executed by the parties. It is settled between the parties that no oral agreement between the parties shall bind them on the present subject as narrated in this Agreement.

14. Parties acknowledge that this Agreement shall be prepared in duplicate with each party retaining an original. Both copies of this Agreement shall be executed, witnessed, and notarized by the parties, and both shall be considered as original, legal, binding and enforceable. The one original would be kept by the First party and the second original would be kept by the Second Party."

[23] From the chronology of dates and events narrated in the foregoing part of the judgment as placed from record, it appears that respondent No2 has lodged three criminal cases. The present one being FIR No.2018 KKB 107 instituted on 03.11.2018 under Sections 354(A)/354(B)/376(2)(n)/417/506/509 of IPC. The second FIR instituted against one Jayanta Chakraborty bearing No.2019/KKB/41 under Sections 376/419/354(A)(iii) of IPC was quashed by a Coordinate Bench of this Court presided by the then Hon'ble Chief Justice (Justice Akil Kureshi). The said accused had moved this Court for quashing of the FIR after filing of the charge-sheet. The learned Court held that as per the FIR no offenses as alleged under Sections 376/419/354(A)(3) are made out.

The statement of the informant i.e. the respondent No.2 herein varied from the FIR to the statement made under Section 161 of Cr.P.C and the one under which charge-sheet was filed. In those circumstances, the learned Court proceeded to deal with each of the offences alleged as per the FIR and found that no case is made out against the said accused. Consequently, the FIR was quashed. The judgment of this Court has been upheld by the Apex Court in SLP(Crl.) No.6835 of 2021 vide judgment dated 07.01.2025.

[24] The third FIR instituted by the respondent No.2 was KKB (PS)15/2022 under Sections 120-B/182/211/354-A/417/500/501/506/509 and 34 IPC dated 29.07.2019. OTPCL also registered an FIR being KKB/075/2019 dated 30.07.2019 against the unknown persons in which the respondent No.2 and one Prasenjit Acharjee were charge-sheeted. The accused persons of OTPCL and respondent No.2 entered into a settlement on 15.06.2024 to bring an end to all legal cases pending before various courts between the parties. The respondent No.2 wanted to bring quietus to all the disputes with the accused persons and therefore out of their free will and consent mutually resolved the disputes and differences. This lead to quashing of the two FIRs each against the respondent No.2 and the OTPCL officials not the present petitioners by separate judgment rendered by a Coordinate Bench of this Court on 20.06.2024 bearing Criminal Petition No.21 of 2024 and Criminal Petition No.22 of 2024. In these two FIRs, the case was at the stage of filing of charge-sheet. The trial had not commenced. Evidently, the allegations in the FIR bearing No.55/2022/KKB instituted by the respondent No.2 against the OTPCL officials were not of rape. As a matter of fact, it has been pointed out that the respondent No.2 had instituted another FIR bearing No.2020/KB/057 at

Kakraban Police Station, Gomati District, Udaipur on the basis of Zero FIR instituted at Bangalore under Sections 354A, 354D, 466, 509 of IPC dated 12.11.2019 in which similar complaint was made by respondent No.2 against the four employees by OTPCL.

[25] The chronology of facts, therefore, now brings us to the instant FIR. The instant FIR is first in point of time instituted by the respondent No.2 on 03.11.2018 which has progressed to the stage of trial where the respondent No.2 has supported the prosecution case. The other FIRs instituted by the respondent No.2 had not reached the stage of trial. The allegations in the instant FIR, the charge-sheet which has been filed against the petitioners and the charges for which the petitioners are being prosecuted are of serious nature i.e. rape under Section 376(1) & 354(A) as against accused Shakhyajit Choudhuri; Section 372(2)(n) and Section 417 as against accused Panna Roy; Section 354(A) as against accused Sudin Prakash Chattopadhyay; Section 509 as against accused Manideep Das and Biswajit Bhattacharjee. These are the distinguishing features of the present case as compared to the other FIRs lodged by the respondent No.2 against other accused persons, employees of OTPCL and the one lodged by OTPCL as against respondent No.2 which has been quashed earlier by Coordinate Benches of this Court.

[26] Learned counsels for the petitioners and learned Public Prosecutor have drawn the attention of the Court to the law laid down by the Apex Court in this regard. Mr. Abhishek Puri, learned counsel for the petitioners has relied upon the following judgments in support of his contention:

(I) Paragraph No.29 of *Narinder Singh and others* (supra) of the judgment relied upon by him, is extracted hereunder:

“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 to 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 the 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 hand, those criminal cases having overwhelmingly and predominantly 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 are 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/delicate 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 latter 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.”

(II) In the case of *Ramgopal and another versus State of Madhya Pradesh*, reported in (2022) 14 SCC 531, the Apex Court at paragraph Nos.11, 12, 13, 19 & 20 of the judgment observed as under:

“11. True it is that offences which are “non-compoundable” cannot be compounded by a criminal court in purported exercise of its powers under Section 320CrPC. Any such attempt by the court would amount to alteration, addition and modification of Section 320CrPC, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320CrPC, which may justify its wider interpretation and include such offences in the docket of “compoundable” offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320CrPC is not an embargo against invoking inherent powers by the High Court vested in it under Section 482CrPC. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482CrPC in aid to prevent abuse of the process of any court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh v. State of Punjab* [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and *Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706]* .

19. We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

- 19.1. Nature and effect of the offence on the conscience of the society;
- 19.2. Seriousness of the injury, if any;
- 19.3 Voluntary nature of compromise between the accused and the victim; and
- 19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

20. Having appraised the aforestated parameters and weighing upon the peculiar facts and circumstances of the two appeals before us, we are inclined to invoke powers under Article 142 and quash the criminal proceedings and consequently set aside the conviction in both the appeals. We say so for the reasons that:

20.1. Firstly, the occurrence(s) involved in these appeals can be categorised as purely personal or having overtones of criminal proceedings of private nature.

20.2. Secondly, the nature of injuries incurred, for which the appellants have been convicted, do not appear to exhibit their mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest.

20.3. Thirdly, given the nature of the offence and injuries, it is immaterial that the trial against the appellants had been concluded or their appeal(s) against conviction stand dismissed.

20.4. Fourthly, the parties on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their dispute(s).

20.5. Fifthly, the occurrence(s) in both the cases took place way back in the years 2000 and 1995, respectively. There is nothing on record to evince that either before or after the purported compromise, any untoward incident transpired between the parties.

20.6. Sixthly, since the appellants and the complainant(s) are residents of the same village(s) and/or work in close vicinity, the quashing of criminal proceedings will advance peace, harmony, and fellowship amongst the parties who have decided to forget and forgive any ill will and have no vengeance against each other.

20.7. Seventhly, the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties and/or resultant acquittal of the appellants; more so looking at their present age.”

(III) In *Kapil Gupta* (supra) at paragraph Nos.12 to 16 of the report, the Hon’ble Supreme Court observed as under:

“12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

13. The Court has further held that it is also relevant to consider as to what is the stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.

14. The facts and circumstances as stated hereinabove are peculiar in the present case. Respondent 2 is a young lady of 23 years. She feels that going through trial in one case, where she is a complainant and in the other case, wherein she is the accused would rob the prime of her youth. She feels that if she is made to face the trial rather than getting any relief, she would be faced with agony of undergoing the trial.

15. In both the cases, though the charge-sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since Respondent 2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.

16. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case and in order to give succour to Respondent 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.”

(IV) *XYZ versus State of Gujarat*, reported in (2024) SCC OnLine SC

3314. Paragraph Nos.7, 9, 10 & 14 of the judgment are extracted hereunder:

“7. The offences alleged were very serious. The offences alleged were under Section 376(2)(N) of the IPC and the Atrocities Act. When petitions are filed before the High Court by invoking either Article 226 of the Constitution of India or Section 482 of the Criminal Procedure Code, 1973 (for short, ‘the Cr. P.C.’) for quashing criminal proceedings of non-compoundable offences on the ground of settlement, the High Court must satisfy itself that there is a genuine settlement between the victim and the accused. Without the Court being satisfied with the existence of a genuine settlement, the petition for quashing cannot proceed further. If the Court is satisfied about the existence of a genuine settlement, the other question to be considered is whether in the facts of the case, the power of quashing deserves to be exercised. Even if an affidavit of the victim accepting the settlement is on record, in cases of serious offences and especially against women, it is always advisable to procure the presence of the victim either personally or through video conference so that the Court can properly examine whether there is a genuine settlement and that the victim has no subsisting grievance.

It was all the more necessary in the present case as the affidavits filed on record indicate that the appellant is an illiterate woman. Both the affidavits bear thumb impressions of the appellant, which were identified by her brother Mohan Chauhan. When illiterate persons affirm such affidavits by putting their thumb impressions, usually, the affidavit must bear an endorsement that the contents of the affidavits were explained to the person affirming the same. After noticing the absence of such an endorsement, the High Court ought to have directed the appellant to personally remain present before the Court so that the High Court could have verified whether the appellant had put her thumb impressions on the affidavits after she was informed about the contents of the affidavit and after she had fully understood the contents of the affidavit. In this case, two affidavits were executed on the same day. That should have one more reason before the High Court to be very cautious before acting upon the affidavits.

9. As the High Court has passed the impugned judgment and order without verifying whether there was a genuine settlement between the appellant and the second respondent, the impugned judgment and order cannot be sustained.

10. We are, therefore, inclined to remand the case to the High Court with a direction to the appellant to remain present before the High Court on the date fixed by this Court. The High Court will allow the appellant to explain her position vis-à-vis the stand taken by the second respondent about the settlement. After hearing the appellant, the High Court would be well within its powers to order an inquiry to be held by a Judicial Officer about the manner in which the affidavits have been executed and on the question of whether the thumb impressions of the appellant were taken on the affidavits without explaining to her the contents of the affidavits.

14. If the High Court finds that there was, in fact, a settlement arrived between the appellant and the second respondent, the High Court will have to consider the question of whether the power under Section 482 of Cr. P.C. or Article 226 of the Constitution can be exercised to quash the criminal proceedings based on compromise. All questions in that behalf are kept open.

[27] Learned Public Prosecutor has also relied upon some of these decisions and the following judgments in support of his contention:

(A) *State of Madhya Pradesh versus Madanlal*, reported in (2015) 7

SCC 681. Paragraph Nos.17 & 18 of the judgment are extracted hereunder:

“17. In this context, it is profitable to reproduce a passage from *Shimbu v. State of Haryana* [(2014) 13 SCC 318 : (2014) 5 SCC (Cri) 651] wherein, a three-Judge Bench has ruled thus : (SCC pp. 328-29, para 20)

“20. Further, a compromise entered into between the parties cannot be construed as a leading factor based on which lesser punishment can be awarded. Rape is a non-compoundable offence and it is an offence against the society and is not a matter to be left for the parties to compromise and settle. Since the court cannot always be assured that the consent given by the victim in compromising the case is a genuine consent, there is every chance that she might have been pressurised by the convicts or the trauma undergone by her all the years might have compelled her to opt for a compromise. In fact, accepting this proposition will put an additional burden on the victim. The accused may use all his influence to pressurise her for a compromise. So, in the interest of justice and to avoid unnecessary pressure/harassment to the victim, it would not be safe in considering the compromise arrived at between the parties in rape cases to be a ground for the court to exercise the discretionary power under the proviso of Section 376(2) IPC.”

18. The aforesaid view was expressed while dealing with the imposition of sentence. We would like to clearly state that in a case of rape or attempt to rape, the conception of compromise under no circumstances can really be thought of. These are crimes against the body of a woman which is her own temple. These are the offences which suffocate the breath of life and sully the reputation. And reputation, needless to emphasise, is the richest jewel one can conceive of in life. No one would allow it to be extinguished. When a human frame is defiled, the “purest treasure”, is lost. Dignity of a woman is a part of her non-perishable and immortal self and no one should ever think of painting it in clay. There cannot be a compromise or settlement as it would be against her honour which matters the most. It is sacrosanct. Sometimes solace is given that the perpetrator of the crime has acceded to enter into wedlock with her which is nothing but putting pressure in an adroit manner; and we say with emphasis that the courts are to remain absolutely away from this subterfuge to adopt a soft approach to the case, for any kind of liberal approach has to be put in the compartment of spectacular error. Or to put it differently, it would be in the realm of a sanctuary of error.

(B) ***Ramji Lal Bairwa and another versus State of Rajasthan and others***, reported in (2024) SCC OnLine SC 3193. Paragraph Nos.23, 24, 25 & 29 of the report relied upon by the learned PP is extracted hereunder:

“23. We will now, consider the second question as to whether the power to quash criminal proceedings invoking the power under Section 482, Cr. P.C. be exercisable solely by relying on the fact that the parties have arrived at a compromise and the decision of this Court in Gian Singh's case (supra).

24. The learned amicus curiae submitted that a scanning of the decision of this Court in Gian Singh's case (supra) itself would reveal the legal position in regard to the said question. The learned amicus curiae drew our attention to paragraphs 48, 57, 58 and 61 of the said decision. Paragraph 57 and the relevant portions of paragraphs 48, 58 and 61 read thus:—

“48.....While parting with this part, it appears necessary to add that the settlement or compromise must satisfy the conscience of the court. The settlement must be just and fair besides being free from the undue pressure, the court must examine the cases of weaker and vulnerable victims with necessary caution.....”

57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between

the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

61. 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 predominantly 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."

(Underline supplied)

28. A bare perusal of the impugned order and in the light of the observations and binding conclusions in Gian Singh's case (supra), bearing in mind the allegations in the subject FIR, it would reveal that the High Court has misread and misapplied the law laid down in Gian Singh's case (supra) to quash the subject FIR and all further proceedings based in pursuance thereof. We are at a loss to understand how the High Court arrived at the conclusion that in the case on hand a dispute to be resolved exists between the parties and further that to maintain harmony the FIR and all further proceedings thereto should be quashed even without advertent to the allegations raised against the 3rd respondent in the subject FIR. It is also a fact that though in terms of the decision in Gian Singh's case (supra) an irrecusable duty of the Court to consider whether the compromise could be acted upon or not in the

interest of justice, the impugned order would reveal that the High Court has failed to bestow proper consideration in that regard as well.

29. In the contextual situation, it is also relevant to refer to a Three Judge Bench decision of this Court in State of M.P. v. Laxmi Narayan¹⁶. This Court held that whether an FIR is quashable or not would depend upon the facts and circumstances of each case and while considering that question, the Court has to apply its mind to (i) whether the crime is one against the society or against an individual alone, nature of the dispute, (ii) seriousness and how the crime was committed (iii) whether offence(s) is one under a special statute (iv) stage of proceedings and how the accused managed to compromise with the complainant.”

(C) ***K. Bharthi Devi versus State of Telengana***, reported in (2024) 10 SCC 384. Paragraph Nos.25 to 28, 34, 36, 37, 38, 39, 40 to 47 of the judgment have been relied by the learned PP in support of his submission. The opinion of the Apex Court after referring to the precedents at para 41 to 47 are extracted hereunder:

41. It could thus be seen that this Court reiterates the position that the criminal cases having overwhelmingly and predominantly 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.

42. Though in the said case (Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54]), the High Court had refused [Narinder Singh v. State of Punjab CRM-M No. 27343 of 2013, order dated 8-10-2013 (P&H)] to exercise its jurisdiction under Section 482CrPC to quash the proceedings wherein a serious offence under Section 307IPC was involved, this Court after taking into consideration various factors including that the elders of the village, including the Sarpanch, had intervened in the matter and the parties had not only buried their hatchet but had decided to live peacefully in the future, quashed and set aside the criminal proceedings under Section 307IPC.

43. The aforesaid view has consistently been followed by this Court in various cases including Gold Quest International [Gold Quest International (P) Ltd. v. State of T.N., (2014) 15 SCC 235 : (2015) 4 SCC (Cri) 631] and Sadhu Ram Singla [CBI v. Sadhu Ram Singla, (2017) 5 SCC 350 : (2017) 2 SCC (Cri) 535] .

44. The facts in the present case are similar to the facts in Sadhu Ram Singla [CBI v. Sadhu Ram Singla, (2017) 5 SCC 350 : (2017) 2 SCC (Cri) 535] wherein a dispute between the borrower and the Bank was settled. In the present case also, undisputedly, the FIR and the charge-sheet are pertaining to the dispute concerning the loan transaction availed by the accused persons on one hand and the Bank on the other hand. Admittedly, the Bank and the accused persons have settled the matter. Apart from the earlier payment received by the Bank either through equated monthly instalments (EMIs) or sale of the mortgaged properties, the borrowers have paid an amount of Rs 3,80,00,000 under OTS. After receipt of the amount under OTS, the Bank had also decided to close the loan account. The dispute involved predominantly had overtures of a civil dispute.

45. Apart from that, it is further to be noted that in view of the settlement between the parties in the proceedings before DRT, the possibility of conviction is remote and bleak. In our view, continuation of the criminal proceedings would put the accused to great oppression and prejudice.

46. In any case, as discussed hereinabove, both the appellants have been arraigned as wives of Accused 1 and 2. The specific role that was attributed in the charge-sheet was pertaining to Accused 1.

47. In the result, we find that this was a fit case wherein the High Court ought to have exercised its jurisdiction under Section 482CrPC and quash the criminal proceedings.”

(D) Learned Public Prosecutor also relied on the decision of the Delhi High Court in case of *Virender Chahal versus State & Anr.*, reported in 2024 SCC OnLine Del 1630 (paragraph Nos.12 and 13).

[28] This Court now proposes to discuss the ratio laid down in the above decisions as relied upon by learned counsel for the petitioner and learned Public Prosecutor. The principles laid down in case of *Narendar Singh* (supra) as regards exercise of inherent powers by this Court to quash criminal prosecution at paragraph 29 of the judgment extracted above have been reiterated in the subsequent decision. No doubt inherent powers of this Court are to be exercised for quashing of criminal proceedings with the twin object of (i) securing the ends of justice or (ii) to prevent abuse of the process of the Court. The Apex Court has however put a caveat that such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., since they are not private in nature and have a serious impact on society. Similarly, offences committed under special statute like Prevention of Corruption Act or 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. On the other hand, those criminal cases having overwhelmingly and predominantly 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] The Apex Court at paragraph 29.5 has observed that 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. While dealing with offences under Section 307 of IPC in the said case which fall in the category of heinous and serious offences and are generally treated as crime against the society the Apex Court observed that the High Court should 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 is open to the High Court to examine as to whether incorporation of Section 307 of IPC is for the sake of it and as to whether prosecution has collected sufficient evidence, which if proved, could lead to proving the charge under Section 307 of 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/delicate parts of the body, nature of weapons used, etc.

[30] In case of *Madanlal* (supra) the Apex Court had observed that in a case of rape or attempt to rape, compromise under no circumstances can really be thought of since these are crimes against the body of a woman, which is her own temple.

[31] In case of *Ramgopal* (supra), the Apex Court was dealing with the conviction of certain accused involving offences under Sections 294, 323 and 326 read with Section 34 of IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The accused were convicted of the offences with the maximum sentence under Sections 294, 323 and 326 of IPC. At the stage of appeal, a compromise had been entered into and jointly moved before the learned Sessions Judge. Since the offences were non-

compoundable, the learned Additional Sessions Judge did not set aside the conviction but reduced the sentence from 3 years to 1 year. The Madhya Pradesh High Court further reduced it to the period already undergone. Thereafter, the appellants moved before the Apex Court seeking compounding of their offences under Section 326 of IPC in view of the settlement between the parties. In another incidence concerning another set of accused, the appellants were convicted under Sections 143, 144, 147, 148, 342, 324 and 326 read with Section 149 of IPC since the parties had arrived at a compromise which though was not placed before the trial court or the High Court. The appellants therefore moved the Apex Court seeking compounding of the offences and consequential acquittal on the basis of the compromise reached between them and the victim. The Apex Court summed up the legal position as regards the extraordinary power of the High Court under Section 482 Cr.P.C. and the Apex Court under Article 142 of the Constitution of India which can be invoked beyond the metes and bounds of Section 320 of Cr.P.C. In this context, weighing upon the peculiar facts and circumstances of the two appeals by invoking the power under Article 142 of the Constitution of India, the conviction in both the appeals was set aside.

[32] In case of *Kapil Gupta* (supra) which related to the offence of rape, the Apex Court once again reiterated the legal position at paragraph 12 of the judgment that the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved but the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved could lead to proving the charge for the offence charged with. The Court also

has to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship. Finally at paragraph 16 of the judgment held that in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, however, in the peculiar facts and circumstances of the case and in order to give succour to respondent No.2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, the Apex Court found it fit case to exercise the extraordinary powers of the Court to quash the criminal proceedings. Evidently, the prosecution under Section 376 in the said case was quashed taking into account the contextual facts and in exercise of the powers under Article 142 of the Constitution of India.

[33] In case of **Ramawatar** (supra) the opening paragraph of the judgment itself shows that a civil dispute over the ownership and possessory rights of a piece of land between the appellant and his neighbour took an ugly turn when the appellant allegedly not only threw a brick on the complainant but also made filthy and slur remarks on her caste which prompted the complainant to lodge FIR under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 read with Section 34 of IPC. The appellant and the co-accused were convicted under the said offence with six months rigorous imprisonment and fine of Rs.1,000/-. The Madhya Pradesh High Court dismissed their appeal. Thereafter, they approached the Apex Court. The Apex Court was prompted to issue notice since the matter had been settled between the parties and complainant had filed an application for compromise. In such circumstances, the Apex Court dealt with the precedents on the points

such as the decision in **Ramgopal** (supra) and in exercise of the powers under Article 142 of the Constitution quashed the criminal proceedings to do complete justice between the parties since the parties had entered into a compromise and wish to drop the criminal proceedings. It was observed that given the nature of the offence it was immaterial that the trial against the appellant had been concluded.

[34] In case of **XYZ** (supra), in a case involving Section 376(2)(n) of IPC, where quashing of the criminal proceedings were sought on the basis of a settlement. The Apex Court felt that the High Court should have verified whether there was a genuine settlement between the appellant and the second respondent. This was observed taking into fact that appellant was illiterate and had allegedly put her thumb impression on the affidavit. The matter was remanded to the High Court with a direction to the appellant to remain present before the High Court on the date fixed. The High Court was asked to allow the appellant to explain her position vis-a-vis the stand taken by the second respondent about the settlement.

[35] Learned counsel for the petitioners has not been able to apprise as to what happened after remand before the High Court and whether the criminal proceedings were quashed in respect of the offences punishable under Sections 376(2)(n) and 506 of IPC read with the relevant 3(1)(r), 3(1)(s), 3(1)(b) & 3(2)(vii) of the SC and ST Act, 1989. In the present case, on being directed, the respondent No.2 has appeared. She is well educated and has affirmed that the settlement has been arrived at out of her own free will and consent without any duress in order to give a quietus to the case and move ahead in life.

[36] Learned counsel for the petitioners has also referred to a recent decision of the Apex Court in case of ***Rajnish Singh @ Soni versus State of U.P and another***, reported in ***2025 LiveLaw (SC) 279*** where the complainant, a highly qualified major women, had alleged rape based on a false promise of marriage after a 16 year long consensual relationship. The Apex Court upon examination of the case of the parties observed that the allegations are deemed unreliable due to material contradictions and prolonged silence. The FIR and the subsequent proceedings were therefore quashed.

[37] Mr. Raju Datta, learned Public Prosecutor has placed reliance upon the case of ***Ramji Lal Bairwa*** (supra) where in a case involving offences under Sections 354A, 342, 509 & 504 of IPC read with Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(r), 3(1)(s), 3(1)(b) & 3(2)(vii) of the Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Act, 1989 concerning a victim child, studying in Class-XI in the Higher Secondary School, Apex Court dealt with the precedents such as ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***(2012) 10 SCC 303*** and arrived at an opinion that in cases of such nature, in view of compromise entered into between the parties, the chance of conviction being remote and bleak also cannot be a ground to abruptly terminate the investigation by quashing FIR and all further proceedings pursuant thereto under Section 482 of Cr.P.C. The judgment of the High Court quashing the criminal proceedings was accordingly set aside and investigations and criminal proceedings were directed to be proceeded with against the accused, in accordance with law.

[38] In case of *K. Bharthi Devi* (supra), the accused was the sole proprietor of a firm which had been granted credit facilities in a group loan account by the complainant Bank which subsequently became a non-performing asset compelling the Bank to approach the DRT for recovery. Before the DRT, some of the title documents executed by the accused persons for creating equitable mortgage were not found in the original documents but fake, forged and fabricated documents were found. The Bank therefore filed a complaint which resulted in submission of charge-sheet in question. After filing of charge-sheet, accused persons approached the Bank in proceedings before the DRT and offered one-time settlement. It was accepted and the loan account was closed. Based on that, quashing of criminal case was sought by the accused persons but it was declined by the High Court. Therefore, the matter reached the Apex Court. The Apex Court in the said case has extensively dealt with the precedents on the point including that of *Narindar Singh* (supra) and arrived at an opinion that in view of the settlement between the parties in the proceedings before DRT, the possibility of conviction is remote and bleak. Therefore continuation of criminal proceedings would put the accused to great oppression and prejudice. It was held that it was a fit case where the High Court ought to have exercised its jurisdiction under 482 of Cr.P.C and quashed the criminal proceedings.

[39] In case of *Virender Chahal* (supra), the Delhi High Court has relied upon decisions of the Apex Court and refused to quash the criminal proceedings involving offences under Section 376 of IPC as the offences were serious in nature.

[40] In the conspectus of facts and circumstances discussed hereinabove and the decisions on the inherent power of this Court for quashing of the criminal proceedings on the basis of a settlement, this Court is of the considered view that the prosecution as against the petitioners cannot be quashed on the basis of the settlement arrived at between the respondent No.2 and the petitioners. The case involves offence of rape and outraging the modesty of woman. The prosecutrix has supported her allegations during trial as P.W.1. The trial has advanced to a considerable extent where 14 out of 19 witnesses have been examined and only the Medical Officer and Investigating Officer being the important witnesses are to be adduced.

[41] As discussed in the foregoing paragraphs, the present case is distinguishable on more than one features with the other cases which have been quashed on the basis of settlement between the respondent No.2 and other accused persons, they neither involved offences of such serious nature affecting the society nor the case had progressed to such an advanced stage of trial. FIR bearing No.2019/KKB/41 instituted by the respondent No.2 as against one Jayanta Chakraborty was quashed by Coordinate Bench of this Court vide judgment dated 05.02.2021 at the stage of filing of charge-sheet since no offence was made out on a plain reading of the allegations made in the FIR. The Apex Court has time and again reiterated that cases involving heinous and serious in nature such as, murder, rape and dacoity should not be quashed. Though the Court can go on to examine whether the offences have been just mentioned in the FIR and whether collection of evidence to substantiate the offences have been made out or not but in the present case not only the offences are made out in the FIR but the accused persons have been charge-sheeted. The

trial has advanced to a considerable extent and the respondent No.2 has also appeared in the witness box to support the allegations made by her against each of the accused persons. It is not for this Court to dissect her deposition at this stage to arrive at a finding whether the materials collected by the Investigating Officer and the evidence adduced during trial would ultimately reach to their conviction or chance of their acquittal are bleak and remote. This Court, therefore, refrains from making any observation as to the contents of the deposition made by the respondent No.2 which is the subject matter of trial.

[42] In the totality of facts and circumstances, therefore, this Court does not find any merit in these criminal petitions. Accordingly, all the petitions are dismissed.

[43] Let it be made clear that the observations if any made in the instant judgment are only for the purposes of coming to the conclusion as to whether the prosecution as against the petitioners are fit to be quashed in exercise of the powers under Section 482 of Cr.P.C on the basis of the settlement arrived at between the petitioners and respondent No.2. Therefore, none of the observations shall influence the merits of the case of the parties. The learned trial Court would proceed with the matter without being influenced by any observations, if any, made hereinabove.

(APARESH KUMAR SINGH) CJ