

THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Jurisdiction)

DATED : 28th November, 2025

SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

Crl.M.C. No.05 of 2024

Petitioners : Til Bahadur Pradhan and Others

versus

Respondent : State of Sikkim

Application under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita, 2023

Appearance

Mr. A. Moulik, Senior Advocate with Mr. Ranjit Prasad, Ms. Neha Kumari Gupta and Ms. Laxmi Khawas, Advocates for the Petitioner No.1.

Ms. Tara Devi Chettri, Advocate for the Petitioners No.2 and 3.

Mr. Sujan Sunwar, Assistant Public Prosecutor for the Respondent.

Date of Hearing : 28-11-2025
Date of Pronouncement : 28-11-2025
Date of Uploading : 28-11-2025

JUDGMENT (ORAL)

Meenakshi Madan Rai, J.

1. The instant Petition has been filed by the Petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, the "BNSS").

2. Learned Senior Counsel for the Petitioner No.1 submits that the FIR No.18 of 2021, dated 14-04-2021, before the Singtam Police Station, lodged by Petitioner No.3 Santosh Pradhan, S/o Damber Singh Pradhan, against the Petitioners No.1 and 2 under Section 420/468/471/34 of the Indian Penal Code, 1860 (hereinafter, the "IPC"), and Charge-Sheet dated 24-05-2024, filed under Sections 420/468/471/467/34 of the IPC, be quashed.

(i) That, the proceedings in G.R. Case No.77 of 2024 (*State of Sikkim vs. Til Bahadur Pradhan and Others*) pending before the Court of the Chief Judicial Magistrate, Gangtok, Sikkim, also be quashed.

(ii) It is further submitted that the FIR was lodged under a mistaken belief that the Petitioners No.1 and 2 had interpolated the name of Damber Singh Pradhan, father of Petitioner No.3, in the Authorization-cum-NOC document, dated 15-03-2020. As a consequence, on the basis of the FIR lodged, Charge-sheet was submitted by the Police against the Petitioners No.1 and 2 under Sections 420/468/471/467/34 of the IPC and GR Case No.77 of 2024 registered before the aforementioned Court. During the proceedings in the said matter, the Petitioners No.1, 2 and 3, realized that the entire dispute had arisen out of a misunderstanding and therefore they decided to resolve their differences amicably. To that end, they have entered into a written agreement viz.; Deed of Compromise dated 11-09-2025. That, all parties have done so of their own free will and settled all disputes and differences amongst themselves. Should the Criminal Case be allowed to continue the relationship between the families shall be destroyed. That, hence in order to maintain cordial family relations and as the dispute is essentially between Petitioners No.1, 2 and 3, who are related to each other, the matter may be given a closure by quashing the FIR and the consequent criminal proceedings.

2. Learned Counsel for the Petitioners No.2 and 3 endorses the submissions put forth by Learned Senior Counsel for the Petitioner No.1.

3. Learned Assistant Public Prosecutor objecting to the prayers advanced the argument that the offences are non-

compoundable and ought to be allowed to continue to its logical end by completion of the trial. That, in view of the Sections of the IPC involved being non-compoundable, the Petition deserves to be and ought to be dismissed.

4. I have given due consideration to all the competing submissions put forth by Learned Counsel for the opposing parties and perused all documents placed before me.

(i) In ***Manoj Sharma*** vs. ***State and Others***¹ the question involved was whether an FIR under Sections 420/468/471/34/120B of the IPC deserves to be quashed either under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter, the "Cr.P.C.") [now Section 528 of the BNSS] or under Article 226 of the Constitution of India, when the accused and the complainant have compromised and settled the matter between themselves. The Supreme Court observed follows;

"8. In our view, the High Court's refusal to exercise its jurisdiction under Article 226 of the Constitution for quashing the criminal proceedings cannot be supported. The first information report, which had been lodged by the complainant indicates a dispute between the complainant and the accused which is of a private nature. It is no doubt true that the first information report was the basis of the investigation by the police authorities, but the dispute between the parties remained one of a personal nature. Once the complainant decided not to pursue the matter further, the High Court could have taken a more pragmatic view of the matter. We do not suggest that while exercising its powers under Article 226 of the Constitution the High Court could not have refused to quash the first information report, but what we do say is that the matter could have been considered by the High Court with greater pragmatism in the facts of the case."

(ii) In ***Gian Singh*** vs. ***State of Punjab and Another***², the Supreme Court would hold as under;

¹ (2008) 16 SCC 1

² (2012) 10 SCC 303

"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."

(iii) In the aforementioned circumstances of the instant case and based on the principles enunciated in the foregoing matters, it is evident that the High Court can exercise its powers under Section 528 of the BNSS where the need arises and interference by the Court is duly justified. Suffice it to clarify here that Section 528 of the BNSS is worded exactly as Section 482 of the Cr.P.C.

5. In light of the facts advanced and considering that the parties are related to each other and they seek to maintain cordial family relations, I am of the considered view that pursuing the Prosecution would be an abuse of the process of law. It would also be an exercise in futility as no evidence would be forthcoming against the accused persons. In order to give a quietus to the matter between the family members, FIR bearing No.18 of 2021, dated 14-04-2021, registered before the Singtam Police Station under Sections 420/468/471/34 of the IPC stands quashed.

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(i) The consequent proceedings in G.R. Case No.77 of 2024 (*State of Sikkim vs. Til Bahadur Pradhan and Others*), pending before the Court of the Chief Judicial Magistrate, Gangtok, Sikkim, also stands quashed.

6. Petition is allowed and disposed of accordingly.

(**Meenakshi Madan Rai**)
Judge
28-11-2025

Approved for reporting : **Yes**

ds/sdl