



IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2<sup>nd</sup> OF APRIL, 2026

MISC. CRIMINAL CASE No. 12368 of 2026

*VIJAY @GANGU*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

.....  
Appearance:

*Ms. Mansi Joshi - Advocate for the petitioner.*

*Shri Romil Verma - G.A. for the State.*

*Shri Saransh Tiwari- Advocate for the complainant.*

*Petitioner and prosecutrix are present in person.*

.....

ORDER

1] They are heard. Perused the case-diary/ record.

2] This petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing the FIR lodged at Crime No.560/2024 at Police Station - Dhamnodd, District Dhar under Sections 137(2), 87, 64(2)(m) and 65(1) of Bharatiya Nyaya Sanhita, 2023, and Sections 3, 4, 51, 5j(ii) and 6 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 and all other subsequent proceedings arising out of the said crime number.

3] Counsel for the parties have submitted that both the parties have settled their dispute out of the Court and have solemnized marriage. It is also submitted that I.A. No.3947/2026 has also been filed for compromise. It is



further submitted that the prosecutrix has already been examined in the Trial Court, however, the FIR itself was lodged at the instance of the parents of the prosecutrix, and thus, she was forced to depose against the applicant, despite the fact that she was a consenting party, and has subsequently married to him even after giving her statement in the Trial Court. It is submitted that both the parties have now settled the matter and compromised the same, and are also present in the Court. In such circumstances, counsel has submitted that the petition may be allowed, and the FIR and the subsequent proceedings may be quashed.

4] In support of his submissions, counsel for the petitioner has also relied upon a decision rendered by the Supreme Court in the case of *Kapil Gupta vs. State of NCT of Delhi and another* reported as *2022 SCC OnLine SC 1030*.

5] Counsel for the respondent No.2 has submitted that he has no objection if the petition is allowed as the prosecutrix herself has already assented to the quashment of the proceedings.

6] Counsel for the respondent No.1/State, has submitted that appropriate order may be passed.

7] Heard. Having considered the rival submissions, on perusal of the case-diary as also the documents filed on record, and on a query made by this Court, the prosecutrix has also stated that she has already compromised the matter and does not intend to prosecute the petitioner any further, and considering the fact that the matter has been compromised between the parties, and although counsel for the petitioner has also



submitted that the evidence is almost closed, however, this Court is also of the considered opinion that if any adverse order is passed against the petitioner by the Trial Court, it would be catastrophic for both the parties, and in such circumstances, when they have already solemnized marriage and are residing happily, it would be rather harsh to allow the law to take its own course, instead of interfering at this juncture. And thus, this Court is inclined to allow the present petition as further proceedings against the petitioner before the Trial Court would be of no avail to both the parties. Reference in this regard may also be had to the decision rendered by the Supreme Court in the case of *Kapil Gupta (Supra)*. The relevant paras of the same read as under:-

“13.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.

14.The Court has further held that it is also relevant to consider as to what is 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.

15.The facts and circumstances as stated hereinabove are peculiar in the present case. Respondent No. 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.

16. 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 the respondent No. 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.

17.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 No. 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.”

(Emphasis supplied)

8] In view of the same, the petition stands allowed, and the FIR lodged at Crime No.560/2024 at Police Station - Dhamnod, District Dhar under Sections 137(2), 87, 64(2)(m) and 65(1) of Bharatiya Nyaya Sanhita, 2023, and Sections 3, 4, 51, 5j(ii) and 6 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 and all other subsequent proceedings arising out of the said crime number, pending against the petitioner, are hereby quashed.

9] With the aforesaid, the petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)  
JUDGE

Bahar