2026 INSC 1164

Reportable

IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION

Special Leave Petition (Crl.) No.7332 of 2026

….Petitioner

VERSUS

State of M.P. & Anr.

…. Respondents

O R D E R

We were only concerned with the petitioner's claim for anticipatory bail, when we were told that the matter had been settled and on that basis the High Court has quashed the complaint. We would, at the outset, read order dated 03.09.2026, which stated the law on the point and our apprehensions, which we extract hereunder: -

> *"1. The above SLP is an application filed for anticipatory bail in a crime wherein the offences alleged are under Sections 64(1), 331(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3(l)(w)(i), 3(l)(w)(ii) and 3(2)(v) of the SC & ST (Prevention of Atrocities Act), 1989 in Crime No.441/2025 registered at Police Station Pachore, District Rajgarh.*
>
> *2. We issued notice and posted the matter for today. Today, Ms. Warisha Farasat, learned Senior Counsel for the petitioner submitted before us that the matter has been compromised and an application under Section 528 of the*

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Date: 2026.10.28 16:18:25 IST
Reason:

BNS has been disposed of accepting the compromise and exercising inherent powers of the High Court.

3. Considering the seriousness of the offence, we were slightly perturbed. The following decisions were referred to by the High Court in the impugned order, namely, Jagdish Chanana & Ors. Vs. State of Haryana and Anr. [(2008) 15 SCC 704], Madan Mohan Abbot Vs. State of Punjab [(2008) 4 SCC 582], Shiji Vs. Radhika and Anr. [(2011) 10 SCC 705], Narinder Singh and Ors. Vs. State of Punjab [(2014) 6 SCC 466], Anita Maria Dias and Anr. Vs. State of Maharashtra and Anr. [(2018) 3 SCC 290] and Gian Singh vs. State of Punjab [(2012) 10 SCC 303].

4. Madan Mohan Abbot (supra) was a case in which the allegations were under Sections 379/406/409/418/506/34 of the Indian Penal Code, wherein the High Court found that the offence under Section 406 is not compoundable since the amount involved was more than Rs.250/-. This Court found that in purely personal matters such a strait jacket approach need not be taken, especially under Section 482, Cr. PC. Jagdish Channa (supra) was also a case in which the offence was purely personal.

5. In Shiji (supra), the complainant was a lady who alleged theft of a purse and assault, while she was waiting on the roadside while her husband and brother-in-law were inspecting a property. The matter was settled amicably since the allegation

actually arose from a scuffle, the accused had with the petitioner's husband and her brother-in-law, regarding a dispute with respect to a pathway. This Court found that the origin is in a civil dispute and the trial would be an exercise in futility since there would be no witness to establish the crime, the matter having been settled.

6. In Narinder Singh (supra), the offences alleged are under Section 307/324/323/34 IPC. The accused had attacked the complainant which led to the registration of the crime. Both the accused and the complainant belonged to the same village, and the elders of the village intervened to bring in an amicable settlement. Both parties agreed to bury the hatchet, in which circumstances, this Court found continuation of the trial to be unnecessary.

7. In Anita Maria Dias (supra) the complaint arose from purely commercial transactions. In Narinder Singh and Anita Maria Dias this Court while laying down certain guidelines distinguished the power under Section 482 from that conferred under Section 320 of the Cr.PC and emphasized the inherent power being invoked to secure the ends of justice and to prevent abuse of the process of Court. However, it was cautioned that such power is not to be exercised in cases which involve heinous and serious offences indicating mental depravity or offences like murder, rape, dacoity etc. which cannot be termed private in nature, especially due to the serious impact it has on the society.

8. Gian Singh (supra) was a decision of a three Judge Bench which reiterated that the scope under Section 482, Cr. PC to quash criminal proceedings, involving non-compoundable offences is distinct and different from the compounding powers under Section 320. When the parties have settled their disputes, unless the offences are heinous and serious like that of mental depravity, murder, rape, dacoity etc. or under the Prevention of Corruption Act, the power under Section 482, Cr. PC could be invoked.

9. One other decision brought to our notice is Shambhu Kharwar Vs. State of U.P. and Anr. (2024) 16 SCC 502 wherein the crime registered on the allegation of rape and breach of promise to marry, was quashed, exercising the jurisdiction under Section 482, Cr.PC, finding from the allegations raised itself that the relationship was consensual.

10. The present case is one of rape, and we should confess that we were inclined to grant anticipatory bail. However, quashing of a case under Section 482 relying solely on a compromise, especially when it is a non-compoundable offence, would be stepping outside the jurisdiction under Section 482 that too in violation of the power conferred under Section 320. We are not only concerned with the settlements which could be arrived at on coercion by the accused but also apprehensive of the multiplicity of such false complaints being made, with the lure of a future settlement being arrived it.

11. We are not prima facie satisfied that the cases referred to by the learned Single Judge of the High Court would enable invocation of the power under Section 528 to quash the complaint, on a compromise where a heinous offence of rape is alleged; the powers of Section 482 still being distinct, but such examination of the case having not been done.

12. In the above circumstances, we call for the records of the case from the High Court. The Registry of this Court is directed to direct the Registry of the Madhya Pradesh High Court at Indore to transmit the records of Misc. Criminal Case No.15763 of 2026 and Criminal Appeal No.2110 of 2026 along with the compromise said to have been filed before the High Court.

13. Notice shall also be issued to the second respondent, who shall be given legal assistance, if necessary.

14. We also expect the State of Madhya Pradesh to assist us in the above matter.

15. List the matter after three weeks."

2. On the next posting date, we directed the victim to be facilitated video conferencing so that we can interact with her. Today, we interacted with her from the office of the District Legal Services Authority, Rajgarh, Pachore in the presence of the Secretary. We interacted directly with the victim and also through the Secretary DLSA. Our

apprehension was justified, the victim in the same breath says that she was coerced into settlement, that she is not ready for a settlement and that she requires money for settlement. She categorically stated that she made a complaint and stated the truth therein. However, that will have to be examined in a trial and we are unable to express any opinion at this point. We make it clear that the observations made by us need not regulate the trial, but we cannot but reiterate our caution insofar as false accusations being raised on the lure of a financial settlement and also on the other hand settlements, motivated by coercion. We have already stated the law on the point insofar as quashing a case involving serious offences on mere settlement; which we cannot approve. We have distinguished the decisions relied on by the learned Single Judge. We, hence, though not directly concerned with it, set aside the order passed by the High Court in Misc. Criminal Case No.15763 of 2026 and direct the trial to be proceeded with. Insofar as the present petition is concerned, we set aside the order in Criminal Appeal No.2110 of 2026 impugned herein and direct the petitioner herein to be released on anticipatory bail on

such conditions as imposed by the Trial Court. The petitioner shall cooperate with the investigation and shall appear before the Trial Court as and when summoned.

3. The Special Leave Petition stands disposed of.

4. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
OCTOBER 26, 2026.