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MCRC-13443-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 30th OF JULY, 2026

MISC. CRIMINAL CASE No. 13443 of 2026

SOMA SINGH DHURVE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Chhoti Kushram - Advocate for the petitioner.

Ms. Priyanka Mishra - Govt. Advocate for respondent no.1/State.
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ORDER

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure seeking quashment of FIR registered as Crime No.410/2019 at Police Station Kotwali, District Mandla for offences punishable under Sections 295-A, 153-A and 505(2) of the Indian Penal Code and all consequential criminal proceedings arising therefrom.

2. The facts, in brief, are that respondent No.2 Sonal Barman submitted a written complaint before Police Station Kotwali, Mandla alleging that the applicant along with other co-accused persons had uploaded, shared and circulated on social media platforms, particularly Facebook, a video relating to Hindu deities in a manner which allegedly hurt the religious sentiments of members of the Hindu community and had the potential to create disharmony between different groups. On the basis of the said complaint, FIR bearing



Crime No.410/2019 was registered against the applicant and other accused persons for offences under Sections 295-A, 153-A and 505(2) IPC.

3. The applicant is a government employee serving as Constable (T.M.) in the Police Radio Department, Jabalpur. Consequent to the registration of the criminal case, departmental proceedings were initiated against him and a departmental charge-sheet was issued, a copy whereof has been filed as Annexure A-2. During pendency of the criminal proceedings, the applicant and respondent No.2 allegedly resolved their dispute amicably. Respondent No.2 submitted an affidavit and application stating that the matter had arisen due to misunderstanding and that he no longer desired to pursue the criminal proceedings against the applicant. The affidavit have been filed as Annexure A-3.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated and has not committed any offence as alleged in the FIR. It is contended that there is no direct evidence to establish that the applicant intentionally circulated or uploaded any objectionable material with a deliberate intention of outraging religious feelings or promoting enmity between communities. It is further argued that the material was allegedly shared from a mobile device and there is no legally admissible evidence connecting the applicant with the requisite criminal intent necessary to attract Sections 295-A, 153-A and 505(2) IPC.

5. It is also submitted that the complainant himself has entered into a compromise with the applicant and has filed an affidavit stating that the dispute arose due to misunderstanding and that he does not wish to continue



with the proceedings. Reliance has been placed on Annexure A-3. Learned counsel submits that continuation of the proceedings would serve no useful purpose and would cause serious prejudice to the applicant, particularly because departmental proceedings are pending against him. It is argued that in view of the compromise and absence of any grievance on the part of the complainant, the FIR and consequential proceedings deserve to be quashed.

6. Learned Government Advocate opposed the petition. It is submitted that the offences alleged against the applicant are not private disputes between two individuals but offences affecting public order, communal harmony and religious sentiments. It is contended that offences under Sections 295-A, 153-A and 505(2) IPC have wider social ramifications and are committed against society at large. Therefore, even if the complainant has entered into a compromise with the applicant, such compromise by itself cannot be a ground for quashing the proceedings. It is further submitted that the investigation revealed prima facie material against the applicant and the truthfulness of the allegations is a matter to be tested during trial. Learned Government Advocate submits that the offences alleged are serious in nature and do not fall within the category of purely personal or private disputes where inherent powers can be exercised merely on the basis of compromise.

7. Heard learned counsel for the parties and perused the record. The principal ground urged by the applicant is the compromise entered into between the applicant and respondent No.2. Annexure A-3 indeed indicates that the complainant has expressed his desire not to pursue the matter any further. However, it is well settled that while exercising inherent jurisdiction



under Section 528 BNSS, the Court is required to consider not merely the wishes of the complainant but also the nature and gravity of the offences alleged.

8. The offences under Sections 295-A, 153-A and 505(2) IPC relate to deliberate acts intended to outrage religious feelings, promotion of enmity between different groups and dissemination of statements conducive to public mischief. Such offences are not merely personal wrongs but are offences having a direct bearing upon public peace, communal harmony and societal interest. The Supreme Court has consistently held that serious offences having social impact cannot ordinarily be quashed solely on the basis of compromise between the parties.

9. The contention of the applicant regarding absence of evidence and false implication raises disputed questions of fact which cannot be adjudicated in proceedings under Section 528 BNSS. Whether the applicant was responsible for sharing the alleged material, whether the requisite intention existed and whether the prosecution can establish the ingredients of the offences are matters to be examined by the trial Court upon appreciation of evidence.

10. The compromise entered into between the complainant and the applicant may be a relevant circumstance during the course of trial; however, considering the nature of the allegations and the offences involved, this Court is not inclined to exercise its inherent powers for quashing the FIR and criminal proceedings.

11. In view of the aforesaid analysis, this Court is of the considered opinion that the offences alleged in Crime No.410/2019 registered at Police



Station Kotwali, District Mandla are not of a purely private nature and have an element of public interest. The compromise between the applicant and respondent No.2, evidenced by Annexure A-3, is not by itself sufficient to justify quashment of the proceedings.

12. Accordingly, the petition filed under Section 528 of the BNSS seeking quashment of FIR bearing Crime No.410/2019 and all consequential proceedings is **dismissed**.

(HIMANSHU JOSHI)
JUDGE