



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 4th OF APRIL, 2025

MISC. CRIMINAL CASE No. 14536 of 2025

SOURAV GURJAR AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Dharendra Singh Niranjan – Advocate for applicants.

Shri Mohit Shivhare – Public Prosecutor for respondent/State.

Shri Hotam Singh Rathore- Advocate for respondent No.2.

ORDER

This application, under Section 528 of BNSS, 2023/Section 482 of Cr.P.C., has been filed for quashment of FIR in Crime No.139/2025 registered at Police Station Bahodapur, District Gwalior (M.P.) for offence punishable under Sections 308(5), 127(2), 115(2), 296 and 3(5) of BNS, 2023.

2. As per FIR, the prosecution case, in nutshell, is that complainant Paras Rathore along with his father Hotam Singh Rathore and friend Chitransh Manjhi and Shivam Batham submitted a written complaint at the Police to the effect that he is the resident of Jain Temple, Santar Morar and his paternal aunt resides at Sagar Tal, Hatiyapaur. He regularly visits his paternal aunt in 2-4 days. He,



Raman Kumar Sharma and his paternal aunt's son Hemant Rathore are friends. RPF Exam of Hemant and Raman was scheduled on 11.03.2025 but they could not catch train in the night of 10.03.2025 for Bhopal. Raman Sharma stayed at the house of Hemant. On 11.03.2025, he had also come to the house of his paternal aunt to meet Raman. At about 07:30, in front of Shiv Temple, Sagartal, he, Raman and Hemant, were talking to their friends Chitranshu and Shivam Manjhi. At that time, one white coloured Glanza vehicle without having any registration number came in which Lalit (who is known to his friend Raman), Jashn Gill, Saurabh Gurjar, Deependra Kansana and Vanshdeep were sitting. Jashn called and made him to sit in the car on the ground that they wished to have some talks with Lalit. When he refused for the same by saying that he does not know Lalit, then Deependra Kansana who was driving the car, took him to Tighara Road via Shankarpur Stadium where by pointing pistol threatened and demanded Rs.Five lacs. When he said that he has no money, then Saurabh, Deependra and Vansh exhorted to shoot him. He got scared and said that he had only Rs.16,000/-. All of a sudden, all the four assaulted him. Jashn inflicted butt blow of pistol near his eye. Thereafter, Jashn and Saurabh, by giving threats to him, got deposited Rs.16,000/- in Mobile No.6161346174 through Google Pay. Thereafter, he was also made to hold pistol and a video was also prepared by compelling him to say that he had come to kill Deependra Kansana and the amount of Rs.16,000/- has been given by him voluntarily. Thereafter, they demanded further amount of Rs.4,84,000/- otherwise they would make the video viral and also threatened that he should not narrate the incident to anybody otherwise he would be implicated. Then they ran away from there. He called his friends Chitransh Manjhi, Raman Kumar Sharma as the injury sustained by him near eye was paining and reached home along with them. He was unconscious due the injury sustained by him. In



the morning, he apprised entire incident to his father and friends. On the basis of complaint, Police Registered FIR as mentioned above.

3. IA. No.7249/2025 & IA. No.7250/2025 have been filed for quashment of FIR on the ground of compromise.

4. The only question for consideration is as to whether the allegations made in the FIR are of simple in nature or are heinous and against the society?

5. If the entire FIR is read, then not only it is a case where complainant was abducted but he was assaulted by butt of the pistol. Thereafter, a video was also prepared by compelling the complainant to hold pistol and make a statement that he had come to kill one Deependra Kansana and second video was prepared by compelling him to speak that he has voluntarily given Rs.16,000/-.

6. Abduction from a public place and then assaulting him by the butt of pistol and thereafter preparing a false video containing some self-incriminating admissions by complainant cannot be said to be an offence which is not heinous or not against the society.

7. Accordingly, in the light of the judgment passed by the Supreme Court in the case of **Gian Singh Vs. State of Punjab** reported in (2012) 10 SCC 303 and **Narinder Singh and ors. Vs. State of Punjab & anr.** reported in (2014) 6 SCC 466, it is held that the nature of allegations does not warrant quashment of FIR on the basis of compromise.

8. *Ex. consequenti*, the application fails and is hereby ***dismissed***.

(G. S. AHLUWALIA)
JUDGE