

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1246/2026

1. Hammad Sazid S/o Late Shri Abdul Ajiz, Aged About 39 Years, R/o Plot No. 220 Jakirhussain Colony Police Station Pratapnagar District Jodhpur Rajasthan
2. Samira D/o Late Shri Abdul Ajiz, Aged About 30 Years, R/o Plot No. 220 Jakirhussain Colony Police Station Pratapnagar District Jodhpur Rajasthan
3. Mohammad Sahil S/o Shri Mohammad Suaal, Aged About 28 Years, R/o Plot No. 220 Jakirhussain Colony Police Station Pratapnagar District Jodhpur Rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Rukhsaar W/o Mohammad Saud, Aged About 28 Years, D/o Shri Abdul Hafiz R/o Sanjay Colony Near The Water Tank Pratapnagar District Jodhpura Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Firoz Khan, through VC
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP Mr. Mohammed Akbar

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/02/2026

This criminal misc. petition under Section 528 BNSS has been preferred by the petitioners with the prayer for quashing of criminal proceedings pending against them before the Special Additional Chief Judicial Magistrate (PCPNDT Act Cases), Jodhpur Metropolitan, Jodhpur (hereinafter referred to as 'the trial court') in Criminal Original Case No.171/2017, whereby the trial court took cognizance against the petitioner Nos.1 and 2 for the offence

under Section 498-A and against the petitioner No.3 for the offence under Section 354 IPC and summoned them through bailable warrants.

Learned counsel for the petitioners submits that compromise has been arrived at between the parties and the matter has been settled amicably.

Learned counsel for the respondent No.2 does not dispute the factum of compromise arrived at between the parties.

The Hon'ble Apex Court while answering a reference in the case of ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***JT 2012(9) SC – 426*** has held as below:-

"57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences

committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

Keeping in view the observations made by the Hon'ble Supreme Court in **Gian Singh's** case (supra), this Court is of the opinion that it is a fit case, wherein the criminal proceedings pending against the petitioners can be quashed while exercising powers under Section 528 BNSS.

Accordingly, this criminal misc. petition is allowed and the criminal proceedings pending before the Special Additional Chief Judicial Magistrate (PCPNDT Act Cass), Jodhpur Metropolitan,

Jodhpur in Criminal Original Case No.171/2017 for the offences under Sections 498-A and 354 IPC and all subsequent criminal proceedings sought to be taken thereunder against the petitioners are hereby quashed.

(BALJINDER SINGH SANDHU),J

140-deep/-