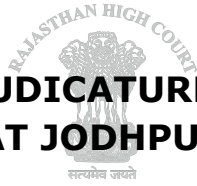


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous (Petition) No. 2136/2023

CNR: RJHC010251052023

URN: CRLMP / 4642U / 2023

1. Lokendra Singh S/o Jor Singh, Aged About 34 Years, Vill. Khabha, Dist. Jaisalmer.
2. Arvind Singh S/o Hari Singh, Aged About 25 Years, Vill. Adbala, Dist. Jaisalmer.
3. Laxman Singh S/o Jabar Singh, Aged About 23 Years, Vill. Jhinjayali, Dist. Jaisalmer.
4. Sawai Singh S/o Multan Singh, Aged About 25 Years, Kotdi, Jaisalmer.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Laxman Ram S/o Sh. Bhagwana Ram, Bengati, Phalodi, Jodhpur Rural, Raj. At Present Singadi Restaurant, Airforce Circle, Jaisalmer, Raj.

----Respondents

For Petitioner(s)	:	Mr. Niranjan Singh Shekhawat
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, P. P. with Mr. Ravindra Singh Bhati, AGA Mr. Naman Charan for the respondent

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

09/07/2026

1. By way of this criminal misc. petition under Section 482 of the Code of Criminal Procedure, the accused-petitioners have approached this Court with a prayer to quash the FIR No.103/2023 registered at Police Station Kotwali, District Jaisalmer seeking petitioners' prosecution for the offences punishable under Sections 147, 341, 323, 327, 458, 149 & 382 of

IPC and under Sections 3(1)(r), 3(1)(s), 3(2)(va) & 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the petitioners submits that during pendency of the investigation, the petitioners have entered into a compromise with the complainant and a written compromise has been annexed with the application (I.A.No.01/2026).

3. Learned counsel for the complainant while accepting the factum of compromise submits that the complainant has no objection if the FIR in question is quashed.

4. Learned Public Prosecutor submits that since the FIR has been registered under the provisions of SC/ST Act, the same cannot be quashed on the basis of compromise. He, however, accepts the factum of compromise having been entered into without coercion and duress.

5. In order to support his contention that FIR/proceedings under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') can be quashed, learned counsel for the petitioner invites Court's attention towards the order dated 25.10.2021 passed by Hon'ble Supreme Court in the case of **Ramawatar Vs. State of Madhya Pradesh** reported in **AIR 2021 SC 5228**.

6. In the above referred case of Ramawatar (supra), Hon'ble the Supreme Court has observed thus :

"12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal

proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.

13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in postconviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that ven though the powers of this Court under Article 142 are wide and far reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to

take note of the relevant laws and will have to regulate the use of its power and discretion accordingly. The Constitution Bench decision in the case of Supreme Court Bar Assn. v. Union of India & Anr. has eloquently clarified this point as follows:

"48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and 6 (1998) 4 SCC 409, 48 ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only disputesettling. It is well recognised and established that this Court has always been a law maker and its role travels beyond merely disputesettling. It is a "problem solver in the nebulous areas" (see K. Veeraswami v. Union of India [(1991) 3 SCC 655 : 1991 SCC (Cri) 734] but the substantive statutory provisions dealing with the subjectmatter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject."

15. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the

Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper-castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twifold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of castebased atrocities.

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."

7. The aforesaid judgment of Hon'ble the Supreme Court settles the legal position so far as this Court's power to quash the proceedings/FIR (in exercise of powers under Section 482 of Code of Criminal Procedure) is concerned, in cases where the parties have entered into compromise in the cases involving offences under the provisions of SC/ST Act. The only caution which is to be borne in mind is, that the compromise must be with free will.

8. It is to be noted that petitioners and the complainant has appeared before the Investigating Officer, who has sent his factual report indicating that the parties have arrived at a compromise and the same was executed without any undue influence.

9. In view of the aforesaid legal position and considering the submissions made on behalf of the respective parties and in light of judgment of Hon'ble Supreme Court in the case of *Ramawatar* (supra), the FIR is liable to be quashed in the face of compromise between the parties although the offences are not compoundable.

10. In view of the above, this criminal misc. petition is allowed and the FIR No.103/2023 registered at Police Station Kotwali, Jaisalmer is quashed and set aside. Consequence to follow.

11. Stay application and all pending application(s) also stand disposed of.

(SANJEET PUROHIT),J