

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

S.B. Criminal Misc(Pet.) No. 1991/2026

Gorkharam S/o Shri Bhojaram, Aged About 44 Years, R/o Gram
Pratapnagar Shekhasar Tehsil Bap District Phalodi

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Sukhdev S/o Narsingaram, Aged About 46 Years, R/o
Aakhadana Bap Phalodi District Phalodi

-----Respondents

For Petitioner(s)	: Mr. Kunal Bishnoi
For Respondent(s)	: Mr. Vikram Rajpurohit, PP Mr. Puneet Jangu

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of the BNSS, 2023 for quashing of FIR No. 30/2026 dated 01.03.2026 registered at PS- Bap, District Phalodi for the offences under Sections 64(1) and 351(2) of the BNS, 2023.

Learned counsel for the petitioner submits that the allegations levelled in the FIR are false and have arisen due to strained relations between the parties on account of financial transactions. It is submitted that the prosecutrix is a major and has categorically denied the allegations. It is further submitted that with the intervention of mediators, the parties have amicably settled their dispute and entered into a written compromise dated 12.03.2026, and in view thereof, no dispute now survives and the

complainant as well as the prosecutrix do not wish to continue with the proceedings.

Learned counsel representing the complainant submits that the matter has been amicably settled between the parties and the complainant does not wish to pursue the case further. It is further submitted that the compromise has been executed voluntarily, without any coercion, and is duly supported by affidavits of both the complainant and the prosecutrix.

As per the compromise placed on record and the affidavits, the prosecutrix has stated that no such incident as alleged in the FIR took place and that the FIR came to be lodged due to a misunderstanding arising out of financial dispute between her father and the petitioner, and she has no objection to the quashing of the proceedings.

From the compromise deed placed on record, it appears that the parties have resolved their dispute amicably and no grievance now survives between them, and the same has been entered into voluntarily without any pressure or undue influence.

Learned Public Prosecutor is not in a position to dispute the compromise entered into between the parties, which has been placed on record, as the complainant and is represented through counsel.

The Hon'ble the Supreme Court in the matter of ***Prashant Bhartiya Vs. State of Delhi & Ors. (Criminal appeal no. 708/2021)*** , has held that even in offences of serious nature, if the parties have settled the dispute and continuation of proceedings would serve no useful purpose, the FIR can be quashed. The relevant portion of which is quoted hereunder:

“3. Respondent No. 2 had lodged a complaint alleging, inter alia, that the Appellant had committed an offence under Section 376 of the Indian Penal Code. It is undisputed that both the Accused (Appellant) and Respondent No. 2 were living together for a considerable while. The complainant's allegation is that the Appellant duped her by misrepresenting to her that He is divorced. The complainant, according to the accused, is not unmarried and her marriage subsists.

4. During pendency of the proceedings, the parties were referred to mediation having regard to the fact that a child was born in the meanwhile (i.e. in the year 2018). As a consequence, a mediated settlement limited to the maintenance and upkeep of the child was arrived at by them.

5. Having regard to these facts and the submissions made on behalf of the complainant - who does not dispute that this may not be an appropriate case for pursuing the prosecution further, this Court is of the considered view that the criminal proceedings must be quashed.

6. In the peculiar circumstances of the present case, the impugned judgment of the High Court is set aside; the FIR (No. 616) and all consequent proceedings be quashed. It is, however, made clear that this order will not come in the way or in any manner prejudice the contentions of the parties in any other pending proceedings, which shall 20-09-2022 be decided in accordance with law.

7. The appeal is allowed to the above extent.”

(emphasis supplied)

The Hon'ble Supreme Court in ***Madhukar & Ors. vs. State of Maharashtra***, reported in **2025 INSC 819**, has observed that although offences under Section 64 of the BNS (corresponding to Section 376 IPC) are undoubtedly grave in nature and ordinarily ought not to be quashed on the basis of compromise, the inherent powers of the Court to secure the ends of justice are not constrained by a rigid formula and must be exercised in the facts and circumstances of each case. The relevant portion is quoted hereinunder:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."

(emphasis supplied)

The learned counsel has also relied upon the order of the Coordinate Bench of this Court in the case of ***Om Prakash vs. State of Rajasthan (S.B. Criminal Misc. Petition No. 2736/2023)***, wherein the FIR under Section 376 IPC was quashed on the basis of a compromise between the parties.

Having heard learned counsel for the parties and upon consideration of the material available on record, this Court finds that the prosecutrix is a major and has categorically denied the allegations levelled in the FIR. It also appears that the dispute between the parties arose out of personal and financial discord and has now been amicably settled. The compromise deed has been duly notarized and is supported by affidavits of both the complainant and the prosecutrix, which reflect that the compromise is genuine and voluntary. The prosecutrix has consistently maintained, including through an affidavit on record, that she does not support the prosecution and desires that the matter be brought to an end. In such circumstances, continuation of the proceedings would serve no useful purpose and would only prolong distress and result in an exercise in futility.

The ratio laid down by the Hon'ble Apex Court is fully applicable to the facts of the present case and squarely covers the controversy involved herein.

Accordingly, the present criminal misc. petition is allowed and FIR No. 30/2026 dated 01.03.2026 registered at Police Station Bap, District Phalodi for the offences under Sections 64(1) and 351(2) of the BNS, 2023 and all consequential proceedings arising therefrom against the petitioner are hereby quashed and set aside.

The stay petition, if any, also stands disposed of.

(BALJINDER SINGH SANDHU),J

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