

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

S.B. Criminal Writ Petition No. 1929/2026

1. Suresh Kumar S/o Himmataram, Aged About 33 Years, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan.
2. Prem Kumar S/o Himmataram, Aged About 30 Years, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan.
3. Ramesh Kumar S/o Himmataram, Aged About 32 Years, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan.
4. Santosh S/o Jetharam, Aged About 25 Years, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Ganpatram S/o Shri Mishrilal, R/o Nokh, Tehsil Pokaran, District Jaisalmer Rajasthan.
3. Suresh Kumar S/o Shri Mishrilal, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan. (Injured)
4. Pappuram S/o Shri Haralalaram, R/o Nokh, Tehsil Pokaran, District Jaisalmer, Rajasthan. (Injured)

----Respondents

For Petitioner(s)	:	Mr. Ramesh, present in person
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG Mr. SR Choudhary, PP Mr. Ganpat Lal Mali, present in person

HON'BLE MR. JUSTICE FARJAND ALI

Order

30/04/2026

1. The defects pointed out by office are waived.
2. The instant writ petition has been filed under Section 528 of BNSS for quashing of proceedings in Session Case No.03/2019 pending in the Court of Additional District and Session Judge,

Pokaran, arising out of FIR No.47/2018 registered at Police Station Nokh, District Jaisalmer for the offences under Sections 143, 341, 323 & 307 of the IPC.

3. It is submitted by learned counsel for the petitioner that the dispute in between the parties has been resolved through an amicable settlement and now, there remains no controversy in between them and the parties do not wish to continue the criminal proceedings further.

4. Learned Public Prosecutor has opposed the petition.

5. On the other hand, complainant-respondent admits the fact of compromise and submits that he is willing if the FIR and the proceedings are quashed on the basis of compromise entered in between the parties.

6. Heard, perused the material available on record more particularly the police report, nature of allegation and the compromise deed executed in between the parties. The parties to the lis have resolved their dispute amicably and do not wish to continue the criminal proceedings and have jointly prayed for quashing of the same by filing a joint application before the trial court. Some of the offences alleged in this matter are non-compoundable, however, Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab [(2012) 10 SCC 303]*** has propounded that if it is convinced that offences are entirely

personal in nature and do not affect the public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, the High Court should not hesitate to quash the same by exercising the inherent powers vested in it. It is observed that in such cases, the prosecution becomes a lame prosecution and pursuing such a lame prosecution would be a waste of time and energy that will also unsettle the compromise and obstruct restoration of peace. This court is aptly guided by the principles propounded by Hon'ble the Supreme Court and feels that where the dispute is essentially inter se between the parties, either they are relatives, neighbours or having business relationship and which does not affect the society at large, then in such cases, with a view to maintain harmonious relationships between the two sides, to end-up the dispute in between them permanently as well as for restitution of relationship, the High Court should exercise its inherent power to quash the FIR and all other subsequent proceedings initiated thereto.

7. Here in this case, though there is incorporation of Section 307 of IPC in the report but when viewed from a legal lense, it is observed that there was no previous animosity between the parties and they belong to same village and are resident of the same vicinity. The dispute erupted after hot altercation without there being pre-meditation, pre-concert or pre-plan. The injuries are not such so as to cause death of the victim in ordinary course of nature.

8. Suffice it would be to say that neither the circumstances of the case nor the injuries allegedly received by the victims bringing the case of the prosecution within the four corners of Section 307 of IPC. The provision above is not wholly dependent upon the nature of injuries rather several things are to be examined so as to infer an element of intent of the accused to kill the victim. The circumstances of the case, the weapon used by the accused, the part of the body chosen for infliction of injury, the number of injuries so as to ascertain repeatation and an absolute object, cause or motive for the accused to make up their mind to end life of the victim. Since prima facie this Court is convinced that no offence under Section 307 of IPC is made out, it is felt that the harmony re-established in between the parties would be disturbed or unsettled if compromise is not allowed. If it is so, it would defeat the cause of justice. Maintenance of peace and harmony among the members of society is the core object of state authorities and this Court being the constitutional court owes a duty to vouch safe that the dispute once buried may not be rejuvenated again by canceling the compromise through legal arms. Thus, it is deemed appropriate to quash the criminal proceedings mentioned above as well as any other proceedings arising out of the above FIR based on compromise.

9. Accordingly, the Petition is allowed and the further proceedings in Session Case No.03/2019 pending in the Court of Additional District and Session Judge, Pokaran, arising out of FIR No.47/2018 registered at Police Station Nokh, District Jaisalmer

are hereby quashed and set aside. The accused are acquitted from the charges and their bail bonds are discharged.

10. The stay petition also stands disposed of.

(FARJAND ALI),J

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