

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

S.B. Criminal Miscellaneous (Petition) No. 3661/2026

1. Sumit Purohit Alias Appu S/o Late Shatish Chndra Purohit, Aged About 42 Years, Resident Of 319-A Vaishnav Nagar 1St, Pal Road Opposite B.r. Birla School, Jodhpur, Rajasthan.
2. Smt Savitri Purohit W/o Late Shri Shatish Chndra Purohit, Aged About 62 Years, Resident Of 319-A Vaishnav Nagar 1St, Pal Road Opposite B.r. Birla School, Jodhpur, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Smt Seema Alias Heena Rajpurohit W/o Shri Sumit Purohit, Aged About 39 Years, D/o Bhawani Singh Rajpurohit, R/o 65-B Shubhash Nagar, Kheme Ka Kua, Jodhpur, Rajasthan, At Present 5-D 79, New Housing Board Pali, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Chirag Keshwar
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. Narendra Singh A. Rajpurohit

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The present S.B. Criminal Misc. Petition under Section 528 of the BNSS, 2023 has been filed by the petitioners seeking quashing of FIR No. 121/2017 registered at Police Station Mahila Thana, District Jodhpur West for the offences under Sections 498-A, 406, 323, 315, 327, 420 & 120-B of IPC and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners submits that after lodging of the FIR in question, parties have amicably settled the dispute. The compromise has been verified. Therefore, the present petition may also be allowed on account of the compromise.

3. Learned counsel for the private respondent do not oppose the submissions made by the learned counsel for the petitioners and submits that on account of some misunderstanding FIR was lodged, however, parties have decided to amicably settle the issue.

4. 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 predominatingly 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.”

5. In view of the compromise arrived at between the parties and applying the ratio laid down in the decision of **Gian Singh (supra)**, this Court deems it just and proper to invoke its inherent powers under Section 528 of the BNSS.

6. Accordingly, the present Criminal Miscellaneous Petition is allowed. The FIR No. 121/2017 registered at Police Station Mahila Thana, District Jodhpur West, and all subsequent criminal proceedings arising therefrom against the petitioners, are hereby quashed.

7. All pending applications stand disposed of.

(SUNIL BENIWAL),J