

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

S.B. Criminal Miscellaneous (Petition) No. 3695/2026

1. Aalap Dewra S/o Dhagal Chand Dewra, Aged About 40 Years, Resident Of 207, Behind Ganesh Garh, Data Nagar, District Ajmer (Rajasthan).
2. Dhagal Chand Dewara S/o Shiv Lal, Aged About 70 Years, Resident Of 207, Behind Ganesh Garh, Data Nagar, District Ajmer (Rajasthan).

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Navjyoti W/o Aalap Dewra, Aged About 35 Years, Daughter Of Paras Mal, Resident of 207, Behind Ganesh Garh, Data Nagar, District Ajmer, At Present Resident Of Bilara (Jodhpur).

----Respondents

For Petitioner(s)	:	Mr. D.S. Shekhawat
For Respondent No.1	:	Mr. Vikram Singh Rajpurohit, PP
For Respondent No.2	:	Mr. Mohit Panwar

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

08/05/2026

1. The petitioners have preferred the present misc. petition seeking quashing of criminal proceedings in Criminal Original Case No.182/2024 pending before the learned Judicial Magistrate, Jodhpur arising out of F.I.R. No.11/2024 registered at Mahila Police Station, Jodhpur Rural, for offences punishable under Sections 498-A, 406 and 323 of the Indian Penal Code.
2. Learned counsel for the petitioners submits that during the pendency of the proceedings in question, the parties have entered into compromise. Consequently, an application was submitted

before learned trial Court. Although, the learned trial Court accepted the compromise to the extent of Sections 406 and 323 of the IPC, however denied to compound the offence punishable under Section 498-A of the IPC. He prays that the complete proceedings may be quashed in light of the compromise between the parties. Learned counsel relied on the judgments rendered in the case of **B.S. Joshi Vs. State of Haryana; (2003) 4 SCC 675** and **Gian Singh Vs. State of Punjab & Anr.; (2012) 10 SCC 303** .

3. Learned counsel for the respondent No.2 concurs with the *factum* of compromise and submits that in view of the compromise, the complainant is not inclined to further prosecute the petitioners.

4. Learned Public Prosecutor does not oppose the submissions made by learned counsel for the petitioners.

5. In the case of **B.S. Joshi** (supra), the Apex Court observed as under:

“11. In Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre: (1988) 1 SCC 692, it was held that while exercising inherent power of quashing under Section 482, it is for the High court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the Court, chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceedings.

12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.

13. The observations made by this Court, though in a slightly different context, in G.V. Rao v. L.H.V. Prasad : (2000) 3 SCC 693 are very apt for determining the

approach required to be kept in view in matrimonial dispute by the courts, it was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.

14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent power can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code."

5.1. Further, the Apex Court in the case of **Gian Singh** (supra)

observed 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."

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

7. Accordingly, the present misc. petition is **allowed**. The criminal proceedings in Criminal Original Case No.182/2024 pending before the learned Judicial Magistrate, Jodhpur, are quashed.

8. Pending application(s), if any, stand(s) disposed of.

(SUNIL BENIWAL),J