

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

S.B. Criminal Misc(Pet.) No. 4341/2024

1. Nikhil Bhansali S/o Sh. Narendra Mal Bhansali, Aged About 36 Years, R/o Plot No. 42, Shiv Shakti Complex, Shobhawato Ki Dhani, Pal Road, Jodhpur City, Rajasthan-342008.
2. Narendra Mal Bhansali S/o Sh. Takhat Mal Bhansali, Aged About 68 Years, R/o Plot No. 42, Shiv Shakti Complex, Shobhawato Ki Dhani, Pal Road, Jodhpur City, Rajasthan-342008.
3. Chitra Bhansali W/o Sh. Narendra Mal Bhansali, Aged About 56 Years, R/o Plot No. 42, Shiv Shakti Complex, Shobhawato Ki Dhani, Pal Road, Jodhpur City, Rajasthan-342008.
4. Neha Bhansali Solanki W/o Sh. Shobit Solanki, Aged About 28 Years, R/o 19/370, Chopasani Housing Board, Jodhpur City, Rajasthan-342001.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Chandrika Bhansali W/o Sh. Nikhil Bhansali, Aged About 35 Years, R/o C 44, Parshvanath City, Pal Sangriya Bypass, Baranada, Jodhpur City Rajasthan.-342013.

----Respondents

For Petitioner(s)	:	Mr. Shreyansh Rathi for Mr. Aman Maheshwari
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. Himanshu Soni for Mr. Dharmendra Surana, for complainant

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

10/02/2026

The present criminal misc. petition under Section 528 BNSS (482 Cr.P.C.) has been filed by the petitioners for quashing of

FIR No.83/2024, registered at P.S. Mahila Thana, District Jodhpur City (West) under Sections 498-A, 406 and 323 IPC.

Learned counsel for the petitioner submits that during investigation in the matter, compromise has been arrived at between both the parties and they have settled their dispute amicably.

Learned counsel for the complainant does not dispute the factum of compromise arrived at between the parties.

Copy of compromise-deed dated 02.01.2026 is placed on record.

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 pre-dominatingly 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."

Keeping in view observations made by Hon'ble Supreme Court in **Gian Singh's** case (supra), this Court is of the opinion that it is a fit case wherein criminal proceedings pending against the petitioners can be quashed while exercising powers under Section 528 of BNSS.

Accordingly, the present criminal misc. petition is allowed. FIR No.83/2024, registered qua the petitioners at P.S. Mahila Thana, District Jodhpur City (West) under Sections 498-A, 406 and 323 IPC as well as entire other proceedings pending against the petitioners, are hereby quashed and set aside.



Stay application and all pending applications, if any, stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J

179-Sanjay/-