



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

S.B. Criminal Miscellaneous (Petition) No. 4400/2026

Ashok Ostwal S/o Late Shri Hirachand Ostwal, Aged About 42 Years, R/o Ostwal Building First Main Second Cross Deshpande Nagar Hubli Karnataka. Presently R/o 4/1. Second Floor Munniswamiapa, Layout Murphy Town, Swami Vivekananda Road, Alsoor Bangalore

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt Pratibha Taiya W/o Shri Ashok Ostwal, Aged About 38 Years, R/o B 30 Model Town Gali No 03 Jaisal Nagar Road Bhatti Ki Bawari Jodhpur Rajasthan

-----Respondents

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| For Petitioner(s) | : | Mr. Saurabh Soni                       |
| For Respondent(s) | : | Mr. H.S. Jodha, PP<br>Mr. Sanjay Patel |

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**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

**Order**

**03/07/2026**

The instant Criminal Miscellaneous Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been preferred by the petitioner seeking quashing of the entire criminal proceedings pending against him before the learned Special Additional Chief Judicial Magistrate (PCPNDT Act Cases), Jodhpur Metro, Jodhpur (hereinafter referred to as "the trial court") in Case No. 383/2024.

It is submitted that the trial court, vide order dated 01.05.2026, partly allowed the application by quashing the proceedings only to the extent of the offence under Section 406 of

the Indian Penal Code, 1860 (IPC), while directing that the proceedings for the offence under Section 498-A IPC shall continue, the said offence being non-compoundable.

The proceedings arise out of FIR No. 236/2022 registered at Police Station Mahila Thana, Jodhpur City, District Jodhpur City West.

Learned counsel for the petitioner submits that, during the pendency of the proceedings, the parties have amicably resolved their disputes and have entered into a compromise.

Learned counsel appearing for respondent No. 2 does not dispute the factum of the compromise arrived at between the parties.

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-dominantly 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 the observations made by the Hon'ble Supreme Court in **Gian Singh's** case (supra), this Court is of the opinion that it is a fit case, wherein the criminal

proceedings pending against the petitioner can be quashed while exercising powers under Section 528 BNSS.

Accordingly, this criminal misc. petition is allowed and the criminal proceedings pending against the petitioner before the learned Special Additional Chief Judicial Magistrate, (PCPNDT Act Cases), Jodhpur Metro, Jodhpur (hereinafter referred to as 'the trial court') in Case No.383/2024 and all subsequent criminal proceedings sought to be taken thereunder against the petitioner are quashed.

**(BALJINDER SINGH SANDHU),J**