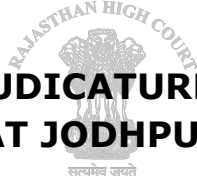


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous (Petition) No. 4468/2026

CNR: RJHC010556322026

URN: CRLMP / 8149U / 2026

1. Kehor S/o Harji Patel, Aged About 50 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
2. Pemji S/o Harji Patel, Aged About 56 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
3. Rama S/o Vala Patel, Aged About 77 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
4. Jivan S/o Rama Patel, Aged About 34 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
5. Amarat Lal S/o Gokul Patel, Aged About 39 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
6. Mahesh S/o Pemaji Patel, Aged About 20 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
7. Vali W/o Kantilal Patel, Aged About 50 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
8. Sangita W/o Lalshankar Patel, Aged About 32 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
9. Anita W/o Jivan Patel, Aged About 30 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
10. Mogi W/o Pemaji Patel, Aged About 49 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
11. Bashant S/o Rakesh Patel, Aged About 32 Years, Resident Of Bhichhiwara, Police Thana Bichhiwara, District Dungarpur, Raj.
12. Kadgi W/o Mahesh Patel, Aged About 25 Years, Resident

Of Bhichhiwara, Police Thana Bichhiwara, District
Dungarpur, Raj.

13. Maya W/o Jivan Patel, Aged About 46 Years, Resident Of
Bhichhiwara, Police Thana Bichhiwara, District Dungarpur,
Raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp.
2. Rameshwar S/o Vela Patel, Resident Of Chhapi, Police
Thana Bichhiwara, District Dungarpur, Raj.
3. Kapil S/o Rameshwar Patel, Resident Of Chhapi, Police
Thana Bichhiwara, District Dungarpur, Raj.
4. Jivat, Jivat Wife Of Rameshwar Patel, Resident Of Chhapi,
Police Thana Bichhiwara, District Dungarpur, Raj.

-----Respondents

For Petitioner(s)	:	Mr. JVS Deora
For Respondent(s)	:	Mr. Sameer Pareek, PP Mr. Bhanu Pratap Singh

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

09/07/2026

The instant criminal misc. petition under Section 528 of BNSS has been filed by the petitioners seeking quashing of the FIR No.128/2026, registered at Police Station Bichhiwara, District Dungarpur, for the offence under Sections 189(2), 332(c) and 125(a) of BNS.

Learned counsel for the parties submitted that the parties have settled their disputes and have arrived at a compromise.

He, therefore, prayed that the impugned criminal proceedings may kindly be quashed.

Learned counsel for the complainant concurs with the factum of compromise and submits that in view of the compromise, the complainant is not inclined to further prosecute the petitioners.

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."

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.

Accordingly, the present Criminal Miscellaneous Petition is allowed. The FIR No.128/2026, registered at Police Station Bichhiwara, District Dungarpur, for the offence under Sections 189(2), 332(c) and 125(a) of BNS, and all subsequent criminal proceedings arising therefrom against the petitioners, are hereby quashed.

(BALJINDER SINGH SANDHU),J