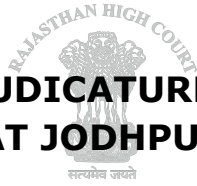


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous (Petition) No. 4658/2026

CNR: RJHC010560092026

URN: CRLMP / 8429U / 2026

1. Nishant Sharma S/o Pramod Sharma, Aged About 33 Years, Resident Of 3-4 Syphon Colony, Girwa, District2.3.4.5.6.7.udaipur
2. Himanshu Choudhary S/o Pushkar Raj Singh, Aged About 38 Years, Resident Of 67, Opposite Power House,gas Godown Road, Tehsil Girwa, District Udaipur.
3. Aman Asnani S/o Suresh Asnani, Aged About 33 Years, Resident Of 108-B, Shakti Nagar, Near Community Hall,tehsil Girwa, District Udaipur.
4. Pankaj Rebari S/o Dhanraj Rebari, Aged About 32 Years, Resident Of Hemta Ji Ki Dhani, Gadhi, District Banswara.
5. Parag Sharma S/o Naveen Sharma, Aged About 30 Years, Resident Of 331/10, Ashok Nagar, Tehsil Girwa, District Udaipur.
6. Ravi Khateek S/o Devi Lal Khateek, Aged About 30 Years, Resident Of 409, Kalka Mata Road, Ganesh Nagar,payda, Tehsil Girwa, District Udaipur.
7. Pranav Choudhary S/o Dal Chand, Aged About 31 Years, Resident Of 45, Shiv Mandir Gali, Kakarva, Tehsil Kapasan, District Chittorgarh.
8. Jaideep Singh Bheemawat S/o Shri Bharat Singh Bheemawat, Aged About 36 Years, Resident Of 54 Rto Office, Shyam Vihar, Girwa, District Udaipur.

-----Petitioners

Versus

1. State Of Rajasthan, Pp
2. Manveer Singh Panwar S/o Govind Singh Panwar, Resident Of 17, Laxmi Vilas, Samta Vihar, Titardi,tehsil Girwa, District Udaipur, Rajasthan

-----Respondents

For Petitioner(s) : Mr. R.S. Bhati

For Respondent(s) : Mr. Hanuman Prajapati, PP
Mr. Saurabh Soni

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**Order****08/07/2026**

This criminal misc. petition under Section 528 BNSS has been preferred by the petitioners with the prayer for quashing criminal proceedings pending against the petitioners before the Additional Sessions Judge No.01, Udaipur in Regular Criminal (CIS) Case No.15/2021, titled as "State Vs. Nishant Sharma", (arising out of FIR No.81/2019, registered at Police Station Ghantaghar, District Udaipur), whereby the learned trial court vide order dated 02.01.2026 has attested the compromise under Sections 341, 323, 325 and 149 of IPC, however, refused to attest the compromise to the extent of offence under Sections 147 and 308 of IPC, as the same being non-compoundable.

Learned counsel for the petitioners submits that compromise has been arrived at between the parties and the matter has been settled amicably.

Learned counsel for the private respondents does not dispute the factum of 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 petitioners can be quashed while exercising powers under Section 528 BNSS.

Accordingly, this criminal misc. petition is allowed and the criminal proceedings pending against the petitioners before Additional Sessions Judge No.01, Udaipur in Regular Criminal (CIS) Case No.15/2021, titled as “State Vs. Nishant Sharma”, (arising out of FIR No.81/2019, registered at Police Station Ghantaghar, District Udaipur) and all other subsequent criminal proceedings sought to be taken thereunder against the petitioners are hereby quashed.

Stay application and all pending application(s), if any, stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J