

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

S.B. Criminal Miscellaneous (Petition) No. 5265/2026
CNR: RJHC010632122026
URN: CRLMP / 9449U / 2026

Akash Goyar S/o Late Shri Kailash Goyar, Aged About 32 Years,
Resident Of Village Toyad, Tehsil Rupangarh, District Ajmer.
-----Petitioner

Versus

1. State Of Rajasthan, Through Pp

2. Kavita W/o Akash, Resident Of Behind Mahesh Hostel,
Pancholiya Ki Nadi, Jodhpur Raj.

-----Respondents

For Petitioner(s)	:	Mr. Omprakash for Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

08/07/2026

The instant criminal misc. petition under Section 528 of BNSS has been filed by the petitioners seeking quashing of the FIR No.190/2022, registered at Police Station Mahila Thana (Jodhpur City West), District Jodhpur City West, for the offence under Sections 498-A, 403, 323 of IPC.

Learned counsel for the petitioner submits that both the parties have agreed to part ways and application under Section 13-B has also been preferred by them for divorce by mutual consent.

The compromise has been filed before the learned trial Court and signature of the parties appear on the order sheet of the learned trial Court dated 29.04.2026.

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

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.190/2022, registered at Police Station Mahila Thana (Jodhpur City West), District Jodhpur City West, for the offence under Sections 498-A, 403, 323 of IPC, and all subsequent criminal proceedings arising therefrom against the petitioners, are hereby quashed.

(BALJINDER SINGH SANDHU),J