

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 5264/2026
CNR: RJHC010638542026
URN: CRLMP / 9448U / 2026

1.

Jagdev S/o Sh.narayan Ram, Aged About 42 Years,
Tarnau Tehsil Jayal Dist Nagaur
2.

Rajesh Sangwa S/o Sh. Ramkaran, Aged About 50 Years,
Tarnau Tehsil Jayal Dist Nagaur

-----Petitioners

Versus

1.

State Of Rajasthan, Through Pp
2.

Seema D/o Sh. Ramniwas, Mehrwas Jayal District Nagaur

-----Respondents

For Petitioner(s)

:

Mr. V.D. Gaur

For Respondent(s)

:

Mr. Hanuman Prajapati, PP
Mr. Tanay Jain

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

08/07/2026

The present criminal misc. petition has been filed by the petitioners under Section 528 of the BNSS, 2023 for quashing of FIR No. 85/2026 dated 09.06.2026 registered at Police Station Jayal, District Nagaur for the offences under Sections 64(2)(m), 308(2) and 351(3) of the BNS, 2023.

Learned counsel for the petitioners submits that the parties have amicably resolved their disputes and have entered into a compromise, which has been placed on record. It is further submitted that the prosecutrix has categorically stated that the dispute between the parties arose out of certain monetary transactions, which now stand fully settled. The prosecutrix has

further averred that the present FIR came to be lodged on account of the said monetary dispute and out of a sense of vengeance arising therefrom. It is submitted that, pursuant to the compromise, all disputes inter se the parties have been amicably resolved, and the complainant/prosecutrix does not wish to pursue the criminal proceedings any further. In these circumstances, it is contended that the continuation of the present criminal proceedings would serve no useful purpose and would amount to an abuse of the process of law.

Learned counsel appearing on behalf of respondent No.2-complainant submits that the matter has been amicably settled between the parties and the complainant does not wish to prosecute the case any further. It is further submitted that the compromise has been entered into voluntarily, without any coercion or undue influence, and respondent No.2 has no objection if the impugned FIR and all consequential proceedings arising therefrom are quashed.

From the compromise deed placed on record, it appears that the parties have resolved their dispute amicably and no grievance now survives between them. The compromise records that the dispute arose on account of mutual financial dealings between the parties, which have now been resolved, and both parties have agreed not to initiate or continue any legal proceedings against each other in relation thereto. The compromise appears to have been executed voluntarily and without any pressure or undue influence.

Learned Public Prosecutor is not in a position to dispute the compromise entered into between the parties, which has been placed on record, as respondent No.2 is represented through counsel.

The Hon'ble the Supreme Court in the matter of ***Prashant Bhartiya Vs. State of Delhi & Ors. (Criminal appeal no. 708/2021)***, has held that even in offences of serious nature, if the parties have settled the dispute and continuation of proceedings would serve no useful purpose, the FIR can be quashed. The relevant portion of which is quoted hereunder:

“3. Respondent No. 2 had lodged a complaint alleging, inter alia, that the Appellant had committed an offence under Section 376 of the Indian Penal Code. It is undisputed that both the Accused (Appellant) and Respondent No. 2 were living together for a considerable while. The complainant's allegation is that the Appellant duped her by misrepresenting to her that He is divorced. The complainant, according to the accused, is not unmarried and her marriage subsists.

4. During pendency of the proceedings, the parties were referred to mediation having regard to the fact that a child was born in the meanwhile (i.e. in the year 2018). As a consequence, a mediated settlement limited to the maintenance and upkeep of the child was arrived at by them.

5. Having regard to these facts and the submissions made on behalf of the complainant - who does not dispute that this may not be an appropriate case for pursuing the prosecution further, this Court is of the considered view that the criminal proceedings must be quashed.

6. In the peculiar circumstances of the present case, the impugned judgment of the High Court is set aside; the FIR (No. 616) and all consequent proceedings be quashed. It is, however, made clear that this order will not come in the way or in any manner prejudice the contentions of the parties in any other pending proceedings, which shall 20-09-2022 be decided in accordance with law.

7. The appeal is allowed to the above extent."

(emphasis supplied)

The Hon'ble Supreme Court in ***Madhukar & Ors. vs. State of Maharashtra***, reported in **2025 INSC 819**, has observed that although offences under Section 64 of the BNS (corresponding to Section 376 IPC) are undoubtedly grave in nature and ordinarily ought not to be quashed on the basis of compromise, the inherent powers of the Court to secure the ends of justice are not constrained by a rigid formula and must be exercised in the facts and circumstances of each case. The relevant portion is quoted hereinunder:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the

complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."

(emphasis supplied)

The learned counsel has also relied upon the order of the Coordinate Bench of this Court in the case of ***Om Prakash vs. State of Rajasthan (S.B. Criminal Misc. Petition No. 2736/2023)***, wherein the FIR under Section 376 IPC was quashed on the basis of a compromise between the parties.

The learned counsel has also placed reliance upon the order passed by the Coordinate Bench of this Court in ***Om Prakash Vs. State of Rajasthan (S.B. Criminal Misc. Petition No.2736/2023)***, wherein the FIR registered for the offence under Section 376 IPC was quashed in view of the compromise entered into between the parties.

Having heard learned counsel for the parties and upon consideration of the material available on record, this Court finds that the parties have amicably settled their dispute and a written compromise has been placed on record. The complainant has categorically stated that she does not wish to pursue the criminal proceedings any further and has no objection if the impugned FIR is quashed. The compromise appears to have been entered into voluntarily and no grievance now survives between the parties. In

such peculiar facts and circumstances of the present case, continuation of the criminal proceedings would serve no useful purpose and would only result in unnecessary harassment to the parties and abuse of the process of law.

The ratio laid down by the Hon'ble Apex Court is fully applicable to the facts of the present case and squarely covers the controversy involved herein.

Accordingly, the present criminal misc. petition is allowed and FIR No.85/2026 dated 09.06.2026 registered at Police Station Jayal, District Nagaur for the offences under Sections 64(2)(m), 308(2) and 351(3) of the BNS, 2023 and all consequential proceedings arising therefrom against the petitioners are hereby quashed and set aside.

The stay petition, if any, also stands disposed of.

(BALJINDER SINGH SANDHU),J