

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

S.B. Criminal Miscellaneous (Petition) No. 5685/2026

CNR: RJHC010663852026

URN: CRLMP / 10127U / 2026

1. Kailash Kumar S/o Mukesh Kumar Sharma, Aged About 22 Years, Resident Of Vandhar, Tehsil Raniwara, District Jalore.
2. Smt Lalita Devi W/o Jugraj Sharma, Aged About 47 Years, Resident Of Vandhar, Tehsil Raniwara, District Jalore.
3. Jugraj Sharma Ailas Jagdish S/o Vijayraj Sharma, Aged About 44 Years, Resident Of Vandhar, Tehsil Raniwara, District Jalore.
4. Shankar Lal S/o Mukesh Sharma, Aged About 25 Years, Resident Of Vandhar, Tehsil Raniwara, District Jalore.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Kashish Kumari W/o Kailash Kumar, D/o Gajendra Trivedi Resident Of Vandhar, Tehsil Raniwara, District Jalore.

----Respondents

For Petitioner(s)	:	Mr. R.K. Charan
For Respondent(s)	:	Mr. Hanuman Prajapati, PP Ms. Surbhi Singh for complainant

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

23/07/2026

The instant criminal misc. petition has been filed by the petitioners under Section 528 BNSS, 2023 (section 482 Cr.P.C) seeking quashing of the F.I.R. No.232/2026, registered at Police Station Bhinmal, District Jalore, for offences punishable under Sections 64(1), 308(2) and 61(2) of BNS.

Learned counsel for the petitioners submits that the petitioner-complainant had filed a habeas corpus petition No.336/2026, pursuant to which the prosecutrix was produced before the Court and her statements were recorded. In her statement, she categorically stated that she was residing with the petitioner of her own free will, that she had solemnized marriage with him, and that she was residing with him voluntarily.

Today, the parties are present before the Court. The prosecutrix has clearly stated that she has solemnized marriage with the petitioner and is residing with him at Nimbahera along with the petitioner's parents. She further states that the FIR was lodged under pressure from her family members. She has also placed on record an affidavit dated 22.07.2026.

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 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.

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)

Having heard learned counsel for the parties and upon consideration of the material available on record, this Court finds that the prosecutrix has categorically stated that she has solemnized marriage with the petitioner and is presently residing with him at Nimbahera along with the petitioner's parents. She has further stated that the FIR was lodged under pressure exerted by her family members. This Court further finds that the parties have amicably resolved 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.232/2026, registered at Police Station Bhinmal, District Jalore for the offences under Sections 64(1), 308(2) and 61(2) 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