

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 5718/2026
CNR: RJHC010665802026 | URN: CRLMP / 10177U / 2026

Kishan Lal Meghwal S/o Shri Bhanwar Lal, Aged About 24 Years,
R/o Balwa, Police Station Sadar, District Nagaur

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mohammad Salim S/o Liyakat Husain, Aged About 52 Years, R/o Bajarwada, Police Station Kotwali, District Nagaur, Rajasthan.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 7407/2023
CNR: RJHC010861812023 | URN: CRLMP / 14972U / 2023

1. Abid S/o Mohammad Suleman, Aged About 35 Years, R/o 154, Lodipura, District Nagaur, Rajasthan.
2. Mohammad Jamshid S/o Mohammad Suleman, Aged About 35 Years, R/o 154, Lodipura, District Nagaur, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Mohammad Salim S/o Liyakat Husain, Aged About 52 Years, R/o- Bajarwada, P.s. Kotwali, Dist. Nagaur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Vijay Bishnoi
For Respondent(s)	:	Mr. Prem Singh Panwar, PP Mr. Sachin Lohiya

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

05/08/2026

The present criminal misc. petitions have been filed under Section 528 BNSS seeking quashing of FIR No.380/2023 registered at Police Station Kotwali, District Nagaur, for the

offences punishable under Sections 143, 323, 341 and 307 of the IPC, on the basis of a compromise arrived at between the parties.

Briefly stated, the facts of the case are that, as per the prosecution, the complainant, Mohd. Salim, lodged a written report alleging, inter alia, that on 08.07.2023, while he was on his way to the mosque, he was wrongfully restrained by Islam, Shareef, Abid, Javed, Mohd. Arif, Mohd. Jamsheed and others, who were armed with deadly weapons. It was further alleged that the accused persons assaulted him and that co-accused Mohd. Arif fired a gunshot.

Learned counsel for the petitioners submitted that a bare perusal of the FIR would reveal that the specific allegation of firing the gunshot has been levelled only against co-accused Mohd. Arif. He submitted that the present petitioners neither fired any shot nor had any intention to kill the complainant. Learned counsel further submitted that although the offence under Section 307 IPC is undoubtedly a serious one, the material available on record clearly indicates that the allegation of firing from a pistol is exclusively against co-accused Mohd. Arif.

Learned counsel further submitted that the criminal proceedings against co-accused Mohd. Arif for the offences under Sections 143, 323, 341 and 307 IPC have already been quashed by a Coordinate Bench of this Court in S.B. Criminal Misc. Petition No.5327/2023, Mohd. Arif vs. State of Rajasthan & Anr. on the basis of compromise. It was argued that since the proceedings against the principal accused, against whom the specific allegation of firing was levelled, have already been quashed on the basis of compromise, the FIR deserves to be quashed qua the present

petitioners as well, particularly when they too have amicably settled the dispute with respondent No.2, who is no longer interested in prosecuting the matter. In support of his submissions, learned counsel placed reliance upon the judgments in "**Gian Singh vs. State of Punjab & Anr., (2012) 10 SCC 303**"; "**Sheikh Firoz Ahmed vs. Union Territory of J&K & Anr., 2022 LiveLaw (JKL) 214**"; and the orders passed by this Court in "**Vakil & Ors. vs. State of Rajasthan & Anr. (S.B. Criminal Misc. Petition No.7095/2023)**" and "**Anil vs. State of Rajasthan & Anr. (S.B. Criminal Misc. Petition No.4997/2023)**".

Learned counsel appearing for the complainant fairly conceded that the parties have amicably resolved their dispute and submitted that the complainant has no objection if the impugned FIR is quashed.

Per contra, learned Public Prosecutor vehemently opposed the petitions and submitted that the offence under Section 307 IPC is a serious offence and, therefore, the criminal proceedings ought not to be quashed merely on the basis of a compromise between the parties.

Heard.

This Court put a specific query to the learned Public Prosecutor as to whether the criminal proceedings against co-accused Mohd. Arif, against whom the specific allegation of firing the gunshot was levelled, had already been quashed on the basis of compromise. In response, learned Public Prosecutor fairly submitted that the FIR against Mohd. Arif has indeed been quashed on the basis of compromise.

This Court has also carefully perused the judgment passed by the Coordinate Bench in **S.B. Criminal Misc. Petition No.5327/2023**, whereby the criminal proceedings against co-accused Mohd. Arif were quashed. In paragraph 9 of the said judgment, it has been observed as under:

"9. I have also perused the judgments relied upon by the respective parties. Hon'ble the Supreme Court has time and again reiterated that offence under Section 307, IPC would fall in the category of serious offence and the same cannot be treated with leniency. However, on the basis of prima facie analysis, it can be seen that the injury sustained by the complainant was not targeted. The petitioner did not have any intention to cause injury to the petitioner. Further, in view of the settlement arrived at between the parties, there are practically no or very bleak chances of conviction of the petitioner. The accused petitioner is not a habitual offender. Hence, in the peculiar facts and circumstances of the case, this Court is of the opinion that the FIR against the petitioner deserves to be quashed."

Having regard to the aforesaid, particularly the fact that the FIR and all consequential proceedings against co-accused Mohd. Arif, against whom the specific allegation of firing the gunshot was levelled, have already been quashed on the basis of compromise, this Court deems it just and proper to extend the same benefit to the present petitioners.

Accordingly, the criminal misc. petitions are allowed. FIR No.380/2023 registered at Police Station Kotwali, District Nagaur, along with all consequential proceedings arising therefrom against the present petitioners, is hereby quashed on the basis of the compromise arrived at between the parties.

The stay petitions also stand disposed of accordingly.

(KULDEEP MATHUR),J