

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

S.B. Criminal Misc(Pet.) No. 10329/2025

Amarjeet Singh S/o Shri Niranjn Singh, Aged About 36 Years,
Resident Of House No. 2-J-8, Near Mama Ki Hotel, Behind Durga
Jewellers, Jawahar Nagar, Jaipur(Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Smt Tarsem Kaur D/o Shri Sukhpal Singh, Aged About 33
Years, Resident Of Near Kabra School, Paota A Road,
Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Dilip Munchandani Mr. D.L.R. Vyas
For Respondent(s)	:	Mr. Narendra Singh Chandawat, PP Mr. S. K. Dadhich, for complainant

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

09/12/2025

1. The instant criminal miscellaneous petition has been filed under Section 528 of the BNSS for quashing of the proceedings arising out FIR No.118/2024 registered at Police Station Mahila Thana Jodhpur City East for the offences under Sections 498-A, 406 & 323 of the IPC in Criminal Case No.129/2025 (NCV No.35672/2025).
2. Learned counsel for the parties submit that during the pendency of the present petition, both parties have settled their dispute amicably and in furtherance of the same, the respondent No.2 has filed an application under Section 320 of the Cr.P.C.,

1973, which has been partly rejected by the learned court below qua Section 498-A of IPC.

3. Learned counsel appearing for the complainant-respondent admits the fact of compromise and submits that he has no objection if the FIR and consequent proceedings are quashed on the basis of compromise entered into between the parties.

4. Learned Public Prosecutor has opposed the petition.

5. Heard and considered the submissions made at bar and also perused the material available on record.

6. Upon a bare perusal of the order dated 29.10.2025, it is revealed that learned court below has partly rejected the application under Section 320 of the Cr.P.C, 1973, by taking a view that offences under Section 498-A of the IPC, 1860 are non compoundable in nature, which is a legal impediment in taking cognizance of the compromise arrived at between the parties.

7. The parties to the *lis* have resolved their dispute amicably and do not wish to continue the criminal proceedings and have jointly prayed for quashing of the same. One of the offences alleged in this matter is non-compoundable (i.e. Section 498-A of IPC, 1860) however, Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab: (2012) 10 SCC 303*** has propounded that if it is convinced that offences are entirely personal in nature and do not affect the public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, the High Court should not hesitate to quash the same by exercising the inherent powers vested in it. It is observed that in such cases, the prosecution becomes a lame prosecution and

pursuing such a lame prosecution would be a waste of time and energy that will also unsettle the compromise and obstruct restoration of peace. This court is aptly guided by the principles propounded by Hon'ble the Supreme Court and feels that where the dispute is essentially inter-se between the parties, either they are relatives, neighbours or having business relationship and which does not affect the society at large, then in such cases, with a view to maintain harmonious relationships between the two sides, to end-up the dispute in between them permanently as well as for restitution of relationship, the High Court should exercise its inherent power to quash the FIR and all other subsequent proceedings initiated thereto.

8. Here in this case, though offences under Section 498-A of the IPC is not compoundable but the parties have settled the dispute amicably, which is essentially between the parties which is not affecting public peace and tranquility, therefore, with a view to maintain harmony and to resolve the dispute finally between the parties, it is deemed appropriate to quash the instant criminal proceedings.

9. Considering the above factum of compromise arrived at between the parties and applying the principles of law as laid down by the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 & State of Madhya Pradesh Vs. Laxmi Narayan & Ors., reported in (2019) 5 SCC 688***, this Court deems it just and appropriate to invoke inherent powers of this Court under Section 528 of BNSS, 2023.

10. Accordingly, the instant criminal misc. petitions are allowed. The proceedings in Criminal Case No.129/2025 (NCV No.35672/2025) before the Judicial Magistrate No.2, Jodhpur Metropolitan, arising out FIR No.118/2024 registered at Police Station Mahila Thana Jodhpur City East for the offence under Section 498-A of IPC against the petitioner stands quashed and set aside.

11. Stay applications and all pending application(s), if any, also stands disposed of.

(MANEESH SHARMA),J

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