

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1065/2026

1. Smt. Rekha Rani W/o Shri Ganshyam Berwa, R/o Behind Water Works, Ward No. 12, Bandhi Kui, District Dausa Rajasthan At Present House No. 172, Bada Bas, Bandeda, Tehsil Baswa, District Dausa.
2. Ganshyam Berwa S/o Shri Ramhet Berwa, R/o Behind Water Works, Ward No. 12, Bandhi Kui, District Dausa Rajasthan At Present House No. 172, Bada Bas, Bandeda, Tehsil Baswa, District Dausa.

----Accused Petitioners

Versus

1. State of Rajasthan, Through its Public Prosecutor State of Rajasthan.
2. Arun Kapoor S/o Shri Jaswant Singh Kapoor, R/o 22 C 6, Haldighati Road, In front of NRI Colony, Pratap Nagar, Sanganer, Jaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Bharat Singh, Advocate
For Respondent(s)	:	Mr. Vikas Somani, Advocate Mr. Vivek Choudhary, Dy.GA

HON'BLE MR. JUSTICE BHUWAN GOYAL
Order

25/02/2026

1. This Criminal Misc. Petition has been filed under Section 528 of BNSS, 2023 for quashing FIR No. 317/2012 registered at Police Station Pratap Nagar, Jaipur (East) for the offence under Sections 420, 453, 467, 468, 471 and 120B IPC and for quashing criminal proceedings in Criminal Case No. 936/2014 titled State Versus Rekha Rani and others pending before Addl. Civil Judge and Metropolitan Magistrate No. 7, Jaipur Metropolitan-I, on the basis of compromise.
2. Learned counsel for the petitioners submit that the respondent no.2-complainant lodged FIR No. 317/2012 for the offence under Sections 420, 453, 467, 468, 471 and 120B IPC

against as many as 5 persons including the petitioners. After completing the investigation, the police submitted the charge sheet against the petitioners for the offence under Sections 420, 453 and 120B IPC and the trial court framed charges against them for the offence under Sections 420/120-B IPC and 453/120-B IPC. He further submits that the petitioners are facing trial for the offence under Sections 420, 453 and 120-B IPC since long. He further submits that both the parties have entered into a compromise. The petitioners filed an application before the trial court for compounding the offences. The trial court attested the compromise for the offence under Section 420/120-B IPC and refused to attest the compromise for the offence under Section 453/120-B IPC being non compoundable. He further submits that the alleged offence is not heinous and rather it is personal in nature. Learned counsel further submits that in light of the judgments passed by the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab** reported in 2012 (10) SCC 303 and **Ramgopal Vs. The State of Madhya Pradesh** reported in [2022 (14) SCC 531], the impugned FIR as also the proceedings emanating therefrom be quashed on the basis of the compromise arrived at between the parties.

3. Learned counsel for the respondent also admits the factum of compromise and submits that the complainant does not want to prosecute the petitioners further in the matter.

4. Per contra, learned Dy. GA has opposed the prayer made by counsel for the petitioners and submits that the offence under Section 453/120-B IPC is not compoundable

5. Both the parties are present in person today in the Court. Their signature have been obtained on the court's order sheet and they have been duly identified by their respective advocates.

6. Heard learned counsel for the parties, considered the submissions made at the Bar and perused the material available on the record.

7. Considering the arguments put forward by learned counsel for the parties and looking to the fact that the dispute between the parties is personal in nature, the complainant does not want to prosecute the petitioners further in the matter, a compromise has been arrived at between the parties, and also applying the principles laid down by the Hon'ble Apex Court in the case of Gian Singh (supra) and Ram Gopal (supra), this Court deems it just and proper to invoke the inherent powers of this Court under Section 528 BNSS and to allow the petition.

8. Accordingly, this criminal misc. petition is allowed. The impugned FIR No. 317/2012 registered at Police Station Pratap Nagar, Jaipur (East) and the criminal proceedings in Criminal Case No. 936/2014 titled State Versus Rekha Rani and others pending before Addl. Civil Judge and Metropolitan Magistrate No. 7, Jaipur Metropolitan-I are hereby quashed and set-aside on the basis of compromise.

9. Stay application as well as all pending applications, if any, also stand disposed of.

(BHUWAN GOYAL),J.