

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1240/2026

Virendra Kumar Sharma Alias Bittu S/o Shri Mukeshchand Sharma, Aged About 37 Years, Resident Of F-114, Sector No. 04, Vivekanand Nagar, Alwar (Rajasthan).

----Accused Petitioner

Versus

- 1. State Of Rajasthan, Through Public Prosecutor.
- 2. Bhudhar Meena S/o Shri Ramprasad Meena, Aged About 30 Years, Resident Of Dera, Tehsil- Raini, District Alwar (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr. Kapil Gupta, Advocate Mr. Dharmendra Kumar, Advocate
For Respondent(s)	:	Mr. Ashok Kumar Kasera, Advocate Mr. Vivek Choudhary, Dy. GA

HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

26/02/2026

- 1. This criminal misc. petition has been filed by the petitioner under Section 528 BNSS for quashing FIR No. 0015/2026 registered at Police Station, Akhepura, District Alwar for the offence under Sections 115(2), 126(2), 352, 351(3) BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act and subsequent criminal proceedings arising therefrom, on the basis of compromise.
- 2. Both the parties are present in person today in the Court. Their signature have been obtained on the order sheet and they have been duly identified by their respective advocates.

3. Learned counsel for the petitioner submits that petitioner and the victim-respondent no.2 have settled their dispute by way of compromise. The original compromise duly signed by both the parties and notarized from the Notary Public has been submitted, which is taken on record. He further submits that no fruitful purpose would be served by continuing the further proceedings arising out of the FIR No. 0015/2026. He has therefore, prayed to quash the impugned FIR No. 0015/2026 registered at Police Station, Akhepura, District Alwar and all subsequent criminal proceedings arising therefrom.

4. In order to support his contention that FIR/proceedings under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can be quashed, learned counsel for the petitioner invites Court's attention towards the order dated 25.10.2021 passed by Hon'ble Supreme Court in the case of **Ramawatar Vs. State of Madhya Pradesh** reported in AIR 2021 SC 5228 and the order passed by the Coordinate Bench of this Court in the case of **Kalu Lal Sahriya Versus State of Rajasthan** (S.B. Criminal Misc. Petition No. 5612, 7543 of 2024; decided on 11.11.2024).

5. Learned counsel appearing for the victim-respondent no.2 does not dispute the aforesaid factual aspect. He submits that the victim respondent no.2 has no objection if FIR No. 0015/2026 registered at Police Station, Akhepura, District Alwar and subsequent criminal proceedings arising therefrom are quashed.

6. Learned Dy. G.A. has opposed the same. He has submitted the factual report dated 25.2.2026, which is also taken on record.

7. Heard learned counsel for the parties and carefully perused the relevant material on record.

8. In the case of **Ramawatar** (supra), Hon'ble the Supreme Court has observed thus :

"12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.

13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in post conviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow - hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that even though the powers of this Court under Article 142 are wide and far reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be

constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to take note of the relevant laws and will have to regulate the use of its power and discretion accordingly. The Constitution Bench decision in the case of Supreme Court Bar Assn. v. Union of India & Anr. has eloquently clarified this point as follows:

"48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and 6 (1998) 4 SCC 409, 48 ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only dispute settling. It is well recognised and established that this Court has always been a law maker and its role travels beyond merely dispute settling. It is a "problem solver in the nebulous areas" (see K. Veeraswami v. Union of India [(1991) 3 SCC 655 : 1991 SCC (Cri) 734] but the substantive statutory provisions dealing with the subject matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject."

15. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes

and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste based atrocities.

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."

9. The Hon'ble Supreme Court in case of **Gian Singh Vs. State of Punjab**[(2012) 10 SCC 303] observed as follows:

"Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or

criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment."

10. Hon'ble Supreme Court in case of **Ramgopal Vs. The State of Madhya Pradesh reported in [2022 (14) SCC 531]** observed as follows:-

"12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable."

11. In view of the aforesaid proposition of law and also in view of the fact that both the parties have their dispute amicably and entered into a compromise and more particularly in view of the factual report dated 25.2.2026 in which it has been mentioned that from the investigation, the matter was found to be false (Adam Vaku) and the police is going to submit the F.R., this Court deems it just and proper to allow the present criminal misc. petition.

12. As a result, the present criminal misc. petition is allowed and FIR No. 0015/2026 registered at Police Station, Akhepura, District Alwar and subsequent criminal proceedings arising therefrom are quashed.

13. Stay application and pending applications, if any, also stand disposed of.

(BHUWAN GOYAL),J