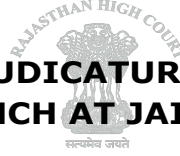




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 1517/2025

1. Rakesh Singh S/o Karan Singh, Aged About 32 Years, R/o Gandhi Colony, Gali No. 11, Kota J.P.S. Railway Colony, Kota City (Raj).
2. Arun Meghwal S/o Ramgopal, Aged About 31 Years, R/o Kala Talab, Tehsil Ladpura, P.S. Borkhera, Kota City (Raj).

-----Petitioners

Versus

1. State of Rajasthan, through Public Prosecutor.
2. Ram Kumar S/o Panna Lal, Aged About 43 Years, R/o Keshar Vihar, Annatpura P.S. Annatpura, Kota City (Raj).

-----Non-Complainant/Respondent

-----Complainant/Respondent

For Petitioner(s)	:	Mr. Nirmal Kumar Goyal
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, Public Prosecutor Mr. Hardev Puri Goswami for complainant

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

18/03/2025

1. The present criminal misc. petition has been filed by the petitioners under Section 528 of B.N.S.S., 2023 for quashing of FIR No.80/2025 (dated 11.02.2025) registered at Police Station Udhyog Nagar, District Kota City for the offences punishable under Sections 61(2)(a), 308(2), 316(2), 318(4), 356(2), 352, 351(2), 351(3), 338 & 336(2) of the BNS, 2023 and Sections 3(1)(r) & 3(1)(s) of the SC/ST Act.
2. Learned counsel for the petitioners as well as learned counsel appearing for the complainant submit that a compromise



has been arrived at between the parties and they have settled their dispute amicably and copy of the same annexed with the petition (Annexure-2). Therefore, the FIR No.80/2025 registered at Police Station Udhyog Nagar, District Kota City be quashed.

3. Learned Public Prosecutor has opposed the arguments and the prayer made on behalf of the petitioners.

4. Learned counsel for the complainant acknowledges the factum of the compromise arrived at between the parties and on instructions from the complainant, states that the complainant has no objection if the impugned FIR alongwith all consequential proceedings against the present accused-petitioners are quashed.

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

6. A bare perusal of the material made available on record shows that the dispute between the parties has amicably been settled by them.

7. The Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab : (2012) 10 SCC 303** has observed as under:-

"57. 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.

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have



not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

8. The Hon'ble Apex Court in the case of **Narinder Singh Vs. State of Punjab (2014 AIR SCW 2065)** has observed as under:-

"**21.** However, we have some other cases decided by this Court commenting upon the nature of offence under Section 307 of IPC. In Dimpey Gujral case **AIR 2013 SC 518**) (supra), FIR was lodged under sections 147, 148, 149, 323, 307, 552 and 506 of the IPC. The matter was investigated and final report was presented to the Court under Section 173 of the Cr.P.C. The trial court had even framed the charges. At that stage, settlement was arrived at between parties. The court accepted the settlement and quashed the proceedings, replying upon the earlier judgment of this Court in Gian Singh v. State of Punjab and Anr., **2012 AIR SCW 5333**, wherein the court had observed that inherent powers under section 482 of the Code are of wide plenitude (sic) with no statutory limitation and the guiding factors are: (1) to secure the needs of justice, or (2) to prevent abuse of process of the court. While doing so, commenting upon the offences stated in the FIR, the court observed:

"Since the offences involved in this case are of a personal nature and are not offences against the society, we had enquired with learned counsel appearing for the parties whether there is any possibility of a settlement. We are happy to note that due to efforts made by learned counsel, parties have seen reason and have entered into a compromise."



This Court, thus, treated such offences including one under section 307, IPC were of a personal nature and not offences against the society."

9. In view of the fact of compromise arrived at between the parties, it would be a futile exercise to continue the criminal proceedings because ultimately now there are bleak chances of conviction in the matter.

10. As a result of aforesaid discussion, the impugned FIR No.80/2025 registered at Police Station Udhyog Nagar, District Kota City for the offences punishable under Sections 61(2)(a), 308(2), 316(2), 318(4), 356(2), 352, 351(2), 351(3), 338 & 336(2) of the BNS and Sections 3(1)(r) & 3(1)(s) of the SC/ST Act and all consequential proceedings are required to be quashed in the interest of justice and so also to relieve the trial Courts from excessive workload by putting an end to the proceedings of cases where it is felt that because of compromise between the parties now there are bleak chances of conviction.

11. Accordingly, the present criminal misc. petition is allowed and the impugned FIR No.80/2025 registered at Police Station Udhyog Nagar, District Kota City and all consequential proceedings, are hereby, quashed.

12. Stay application as well as pending application, if any, also stands disposed of.

(GANESH RAM MEENA),J