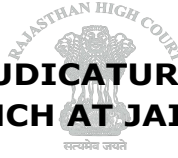




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 6658/2025

Durgesh S/o Prakash Chand, Aged About 24 Years, R/o Shiv Mohalla Samathrpura, The. Khandela P.s. Khandela, Distt. Sikar, Raj. (At Present Confined In Central Jail Jaipur).

----Petitioner

Versus

1. State Of Rajasthan, Through The PP
2. Ramesh Nayak S/o Shri Babulal Nayak, R/o Khejroli, Holi Chouk, Nayoka Ka Mohalla, Khejroli, Jaipur (Raj).
3. Victim D/o Ramesh Chand Nayak, R/o Khejroli Holi Chok, Nayoka Ka Mohalla, Khejroli, Jaipur (Raj).

----Respondents

For Petitioner(s)	:	Mr. Pallav Sharma Mr. Shankar Lal Mr. Sanjeev K. Sharma
For Respondent(s)	:	Mr. M.S. Shekhawat, PP Mr. S.K. Lamba

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

16/03/2026

1. Parties are present in person and they have duly been identified by their respective counsel.
2. By way of this criminal misc. petition under Section 528 of BNSS, the accused-petitioner has approached this Court with a prayer to quash the entire criminal proceedings arising out of FIR No.400/2023 registered at Police Station Govindgarh (Jaipur Rural), District Jaipur Rural for offence punishable under Section 363 of IPC.
3. After completion of investigation, police submitted charge-sheet against the petitioner for the offences punishable under



Sections 363, 366A, 376(2)(n), 376(2)(i) of IPC and Sections 3/4, 5j(2)/6 & 5(I)/6 of POCSO Act.

4. It is submitted by learned counsel appearing for the petitioner that relationship between victim-respondent No.3 and petitioner was consensual in nature and from this relationship, they were blessed with a baby boy. It is submitted that now, they have entered into marriage on 08.02.2026 and presently, they are leading a happy married life. In such circumstances, counsel prays that no fruitful purpose would be served by keeping the criminal proceedings pending against the petitioner as the same will create hindrance in the peaceful and happy married life of the petitioner and respondent No.3.

5. Victim-respondent No.3 and complainant-respondent No.2, who is father of victim, are present in person. Under their instructions, learned counsel submits that presently, victim is major and parties have resolved their dispute amicably. It is submitted that they do not have any objection if impugned FIR is quashed on the basis of compromise.

6. In the case of **K Dhandapani Vs. The State by the Inspector of Police** decided on 9th May, 2022 in Criminal Appeal No.796/2022, Hon'ble Supreme Court set aside the conviction and sentence passed against the accused and the Court observed as follows:-

"This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix."



7. In view of the aforesaid facts and circumstances of the case and considering the submissions made on behalf of the learned counsel for the petitioner; the material made available for perusal; considering the fact that petitioner and victim-respondent No.3 are leading peaceful and happy married life, and also considering the law laid down by Hon'ble Supreme Court in the cases of **K Dhandapani (Supra), Gian Singh Vs. State of Punjab & Anr. reported in 2012 Cr.L.J. (SC) 4934** and **State of Haryana & Ors. Vs. Choudhary Bhajan Lal & Ors. reported in AIR 1992 SC 604**, the entire criminal proceedings arising out of the impugned FIR are liable to be quashed.

8. In view of above, this Criminal Misc. Petition is allowed and the entire criminal proceedings arising out of FIR No. 400/2023 registered at Police Station Govindgarh (Jaipur Rural), District Jaipur Rural are hereby quashed and set aside. Consequence to follow.

9. Stay application and pending applications(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J