

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



S.B. Criminal Miscellaneous (Petition) No.7020/2025

Dharm Singh Son Of Mangilal, R/o Village Khanpur Meena, Police Station Baadi Sadar, District Dholpur Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Ramrajanti wife of Late Shri Prem Singh, aged about 52 years, Resident of Village Khanpur Meena, Police Station Baari Sadar, District Dholpur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Amitabh Jatav
For Respondent(s)	:	Mr. Vivek Choudhary, PP Mr. Rajendra Singh Rajawat

JUSTICE ANOOP KUMAR DHAND

Order

08/12/2025

1. The instant criminal misc. petition has been preferred for quashing the order dated 16.10.2025, passed by the Additional District & Sessions Judge, Baadi District Dholpur in Criminal Appeal No.12/2025, by which the application submitted by the petitioner seeking suspension of sentence has been rejected.
2. Learned counsel for the petitioner submits that after passing of the aforesaid order, the complainant has submitted a compromise in favour of the petitioner as she has received the entire disputed amount and now she does not wish to prosecute the petitioner. Hence, in light of the changed circumstances, a direction be issued to the court below to release the petitioner on bail.

3. *Per contra*, learned Public Prosecutor opposes the prayer made by learned counsel for the petitioner, but counsel appearing on behalf of the complainant admits the factum of compromise between the parties.

4. Heard and considered the submissions made at the Bar and perused the material available on the record.

5. Perusal of the record indicates that the petitioner faced trial for the offences under Sections 420, 467, 468, 471 & 409 IPC, before the court of Additional Chief Judicial Magistrate No.2, Baadi District Dholpur in Criminal Case No.71/2016, wherein after trial, he has been convicted and sentenced vide judgment dated 31.07.2025.

6. Aggrieved by the aforesaid judgment, the petitioner has preferred regular criminal bail before the court of Additional Sessions Judge, Baadi, District Dholpur, wherein his appeal is still lying pending for adjudication on its merits. During pendency of the said appeal, an application was submitted by the petitioner seeking suspension of sentence, however, the same has been rejected vide impugned order dated 16.10.2025.

7. If any development has occurred between the parties by way of compromise, and if the complainant/victim does not wish to prosecute the petitioner, in the considered opinion of this Court, the complainant is expected to file an application for compounding the offence in favour of the petitioner before the Appellate Court where the appeal is lying pending.

8. In case, such an application is submitted by the complainant/victim, it is expected from the Appellate Court to decide the said application expeditiously, as early as possible,

preferably within a period of one week from the date of receipt of such application.

9. With the aforesaid observations, the instant criminal misc. petition, stay application as well as all applications (pending, if any) stand disposed of.

10. Office is directed to send back the record of the Appellate Court and the Trial Court immediately.

(ANOOP KUMAR DHAND),J

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