

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7373/2019

Dhirendra S/o Shri Narendra Kumar, aged about 35 Years, Age 35 Years, R/o Bichhadli Mohalla, Beawar Dist. Ajmer.

-----Petitioner

Versus

1. State of Rajasthan, through Public Prosecutor

---Non-Petitioner

2. Smt. Devi Chaudhary D/o Shri Pawan Chaudhary, R/o Delhi Right now R/o Bhargav Colony, Sendra Road, Beawar Dist. Ajmer (Rajasthan).

-----Non-Petitioner/Complainant

For Petitioner(s)	:	Mr.Saurabh Bhandari
For Respondent(s)	:	Mr.Gaurav Gupta, Asst. GA. Ms.Nikita Sharma

JUSTICE ANOOP KUMAR DHAND

Order

27/05/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.

2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long,

on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant criminal misc. petition, a prayer has been made to quash the impugned F.I.R. No.556/2019 registered at Police Station Beawar City, District Ajmer for the offence punishable under Sections 376(2)(n), 313 & 315 IPC.

4. Learned counsel for the petitioner submits that no such incident as alleged in the impugned FIR, has occurred, even then the petitioner has been implicated in the impugned FIR, lodged by the complainant based on false averments. Counsel submits that subsequently, the prosecutrix has submitted a compromise in favour of the petitioner stating therein that she does not wish to pursue any proceedings against the petitioner. Hence, a prayer has been made to quash the proceedings arising out of the impugned F.I.R. on the basis of the aforesaid compromise arrived at between the parties.

5. *Per contra*, learned Public Prosecutor opposes the submissions made by learned counsel for the petitioner and submits that the offence of rape has been committed with the prosecutrix and the same is not personal in nature, but it is a crime against the society. Hence, merely on the basis of the affidavit submitted by the prosecutrix in the form of the compromise, the proceedings against the accused cannot be quashed and interference of this Court is not warranted.

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

7. It is well settled proposition of law that the power under Section 482 Cr.P.C. is to be distinguished from the power which lies with the Court to compound the offences which are compoundable under Section 320 of the Cr.P.C. No doubt, under Section 482 of the Cr.P.C., the High Court has the power to quash the proceedings even in those offences which are not compoundable, where the parties have settled the matter between themselves, but this power has to be exercised fairly and with caution. It is pertinent to note that the offence of rape is a heinous crime punishable under Section 376 IPC.

8. The Hon'ble Supreme Court in the case of **Gian Singh v. State of Punjab** reported as **(2012) 10 SCC 303** observed as under :-

"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.:

(i) to secure the ends of justice, or

(ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society.

Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.” (emphasis added)

9. After relying on the case of **Gian Singh (supra)**, the Hon’ble Supreme Court in **Narinder Singh & Ors. v. State of Punjab & Anr.** reported as **(2014) 6 SCC 466**, has observed as under :-

"29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code,

the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases." (emphasis added)

10. In the case of **State of M.P. Vs. Laxmi Narayan & Ors.** reported as **(2019) 5 SCC 688**, the Hon'ble Supreme Court has observed as under :-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;" (emphasis added)

11. A perusal of the above mentioned judgments indicates that where the allegations of rape have been made, the proceedings arising out of the F.I.R. cannot be quashed only on the ground that the prosecutrix and the accused have entered into a compromise and the victim's family and the offender have settled the dispute, as these offences are not private in nature and have a serious impact on the society.

12. Hence, under these circumstances, the proceedings of the impugned F.I.R. cannot be quashed on the basis of the compromise arrived at between the parties, since the matter is still at the investigation stage.

13. However, the petitioner is at liberty to submit a detailed comprehensive representation before the Investigating Officer and



the same shall be considered by the Investigating Officer in accordance with law. The statements of the prosecutrix can be recorded, if desired by her before the concerned Court.

14. With the aforesaid observations, the criminal misc. petition stands disposed of. Stay application as well as all pending applications stand disposed of.

(ANOOP KUMAR DHAND),J

Aayush Sharma/1