HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 4452/2024

1. Bhanwar Lal S/o Late Shri Surjaram, Aged About 78 Years, R/o Ranbazar, Bhairudan Ji Ka Bangla, Ramdev Mandir Ke Pass, Bikaner.
2. Chanwar Lal @ Lal S/o Late Surajaram, Aged About 73 Years, R/o Patti Ka Peda, Chopra Katla Ke Pass, Industrial Area, Bikaner.
3. Badri @ Maniya S/o Late Shri Surjaram, Aged About 65 Years, R/o Ranibazar, Bhairudan Ji Ka Bangla, Ramdev Mandir Ke Pass, Bikaner.
4. Madan Lal S/o Late Shri Surjaram, Aged About 62 Years, R/o Sugani Devi Hospital, Gurjaro Ka Mohalla, Bikaner.
5. Shriya Devi D/o Late Surjaram, Aged About 74 Years, W/o Shivraj Tanwar, R/o Chopra Katla, Patti Ka Peda, Bikaner.
6. Pushpa D/o Surjaram, Aged About 60 Years, W/o Ramprakash Kachhava, R/o Lady Elgin School Ke Piche, Shanichar Ji Mandir Wali Gali, Bikaner.
7. Narayan Singh, Sarpanch, Gram Panchayat Ridmalsar Purohitan, District Bikaner.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Sunil S/o Surajaram, R/o Gujaro Ka Mohalla, District Bikaner, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Swaroop Singh.
For Respondent(s)	:	Mr. Muktiyar Khan, PP. Mr. SK Verma.

HON'BLE MR. JUSTICE ARUN MONGA

Order

12/07/2024

1. Petitioners seeks quashing of an FIR No.14/2013 lodged at Police Station Jai Narayan Vyas Colony, District Bikaner for the offences under Sections 420, 465, 467, 468, 471 & 120-B IPC and further proceedings pursuant thereto, on the basis of compromise arrived between the parties.

2. Apparently, the dispute arose between petitioners and respondents No.2, on account of some civil dispute, leading to the FIR in question.

3. Learned counsel for the petitioners submits that the matter has already been compromised between the parties, as is borne out from the order of learned trial Court dated 13.03.2024, but since some offences were not compoundable in nature, the trial Court dismissed the application filed by the petitioners seeking to drop the proceedings against them.

4. Learned counsel for the respondent No.2-complainant and learned Public Prosecutor concur with the fact of compromise. They submit that in view of the compromise, they have no objection if the FIR in question is quashed.

5. The genuineness of compromise is not in dispute. However, since the trial Court was not empowered to compound certain offences, the criminal proceedings could not be quashed. In the premise, in the larger interest of justice, invoking inherent powers vested with this Court under Section 482 Cr.P.C. it is deemed expedient to quash the FIR in question. Reference in this context may be had to judgment rendered in the case of ***Gian Singh Vs. State of Punjab & Anr. [(2012) 10 SCC 303].***

6. Accordingly, the present misc. petition is allowed and the FIR No.14/2013 lodged at Police Station Jai Narayan Vyas Colony,

District Bikaner for the offences under Sections 420, 465, 467, 468, 471 & 120-B IPC against the petitioners is hereby quashed on the basis of compromise deed.

7. Pending application(s), if any, also stand disposed of.

(ARUN MONGA),J

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