HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 1005/2025

Manish Soni S/o Shri Rameshwar Lal, Aged About 45 Years, R/o 17/268, Chopsani Housing Board, Jodhpur, At Present 17/455, Chopsani Housing Board, Jodhpur

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt. Kanchan W/o Manish Soni, Aged About 41 Years, D/o Rameshwar Jasmatia, R/o Jasmatia Bhawan, Near Gandhi School, Olympic Road, Jodhpur

----Respondents

For Petitioner(s)	:	Mr. HM Saraswat Ms. Rekha Sankhla
For Respondent(s)	:	Mr. Vikram Rajpurohit, Dy.G.A. Mr. Puna Ram Sen Mr. Karan Singh Mr. Nirmal Singh

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HON'BLE MR. JUSTICE FARJAND ALI
Order

05/02/2025

1. The instant criminal misc. Petition has been filed under Section 482 Cr.PC for quashing of the proceedings pending in the Court of learned Judicial Magistrate No.2, Metropolitan Jodhpur in Criminal Regular Case No.4150/2016 for the offence under Sections 498A, 406 & 323 of IPC.

2. It is submitted by learned counsel for the petitioner that the dispute in between the parties has been resolved through an amicable settlement and now there remains no controversy in between them and the parties do not wish to continue the criminal proceedings further. On the basis of compromise, the accused-petitioner has been acquitted by the trial court for offence under Section 406 & 323 IPC and trial under Section 498A IPC has been directed to continue.

3. On the other hand, learned counsel appearing for complainant-respondent admits the fact of compromise and submits that he is willing if the FIR and the proceedings are quashed on the basis of compromise entered in between the parties.

4. Learned Public Prosecutor has opposed the petition.

5. Heard, perused the material available on record more particularly the police report, nature of allegation and the compromise deed executed in between the parties. The parties to the lis have resolved their dispute amicably and do not wish to continue the criminal proceedings and have jointly prayed for quashing of the same. The offence alleged in this matter is non-compoundable, however Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab [(2012) 10 SCC 303]** has propounded that if it is convinced that offences are entirely personal in nature and do not affect the public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, the High Court should not hesitate to quash the same by exercising the inherent powers vested in it. It is observed that in such cases, the prosecution becomes the lame prosecution and pursuing such a lame prosecution would be a waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace. This court is aptly guided by the principles propounded by Hon'ble the Supreme Court and feels that whether dispute is essentially inter se between the parties, either they are relatives, neighbours or having business relationship and which

does not affect the society at large, then in such cases, with a view to maintain harmonious relationships between the two sides & for restitution of relationship and with a view to end-up the dispute in between them permanently, the High Court should exercise its inherent power to quash the FIR and all other subsequent proceedings initiated thereto.

6. Here in this case, both the parties have submitted compromise before the learned Trial Court, the Trial Court vide its order dated 03.01.2025 verified the fact of compromise and thus, compounded the offence under Section 406 & 323 IPC. Since the offence under Section 498-A IPC is not compoundable, therefore, proceeding has been kept pending for the said offence. Though, the parties have settled the dispute amicably and that is essentially in between the parties which is not affecting public peace and tranquility therefore with a view to maintain the harmony and to resolve the dispute finally in between the parties, it is deemed appropriate to quash the FIR and all further proceedings undertaken in pursuance thereof.

7. Accordingly, the criminal misc. Petition is allowed and the FIR mentioned above, and all further proceedings including the proceedings pending in the Court of learned Judicial Magistrate No.2, Metropolitan Jodhpur in Criminal Regular Case No.4150/2016 are hereby quashed and set aside.

8. The stay application also stands disposed of.

(FARJAND ALI),J

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