HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 1116/2025

1. Megraj @ Meghraj S/o Mohan Lal, Aged About 24 Years, R/o Vagtaniyo Ki Dhani, Village Post Kalewa, Tehsil Pachpadra, P.s. Pachpadara Dist. Balotra.
2. Ashok Dhaka S/o Sh. Dala Ram, Aged About 20 Years, R/o Gud Nagar, Suraj Bera, Tehsil Pachpadara, P.s. Pachpadra, Dist. Balotra.
3. Rajesh Kumar @ Ramesh S/o Mula Ram, Aged About 19 Years, R/o Kanwarli, Tehsil Pachpadra, P.s. Pachpadra, Dist. Balotra.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Mangal Singh Rathore S/o Anop Singh Rathore, R/o Mayur Vihar, Haldiram Payau, Jaipur Road, Bikaner.

----Respondents

For Petitioner(s)	:	Mr. Doulat Ram
For Respondent(s)	:	Mr. Vikram Rajpurohit, Dy.G.A. Mr. Vikash Vishnoi

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HON'BLE MR. JUSTICE FARJAND ALI

Order

06/02/2025

1. The instant criminal misc. petition has been filed under Section 528 of BNSS on behalf of the petitioner for quashing of FIR No.382/2024 registered at Police Station Panchpadra, District Balotra for the offences under Sections 115(2), 126(2), 127(2), 308(6), 3(5) of BNS on the ground of compromise.

2. It is submitted by learned counsel for the petitioner that the dispute in this matter is *inter se* between the parties which does not affect the societal interest or anyway disturb the tranquility or public peace. It is further submitted that dispute in between the parties has been resolved through an amicable settlement, for which a compromise-deed has been executed and submitted before this Court, and now, there remains no controversy in between them and the parties do not wish to continue the criminal proceedings further.

3. On the other hand, learned counsel appearing for complainant-respondent No.2 admits the fact of compromise and submits that complainant-respondent No.2 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 learned counsel for the parties and perused the material available on record more particularly 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.

6. Some of the offences alleged in this matter are non-compoundable, however, Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab*** reported in **[(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 a 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.

7. This court is aptly guided by the principles propounded by Hon'ble the Supreme Court and feels that where the 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, to end-up the dispute in between them permanently as well as for restitution of relationship, the High Court should exercise its inherent power to quash the FIR and all other subsequent proceedings initiated thereto.

8. Here in this case, though some of the offences are not compoundable but the parties have settled the dispute amicably, the complainant-respondent No.2 do not wish to continue the proceedings against the petitioner 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.

9. Accordingly, the criminal misc. petition is allowed and the FIR mentioned above, and all further proceedings undertaken in pursuance thereof are hereby quashed and set aside.

10. The accused petitioner is acquitted from the charges and if he is on bail, his bail bonds are discharged.

11. The stay petition is disposed of.

(FARJAND ALI),J

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