HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 1051/2025

Mukaddar Khan S/o Baabu Khan, Aged About 38 Years, R/o Ward No.25 Sujangarh, Churu (Raj)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Tahira Bano W/o Mukaddar Khan, Aged About 35 Years, D/o Usmaan Ali Khan, R/o Ward No.31 Churu Kotwali, Churu (Raj)

----Respondents

For Petitioner(s)	:	Mr. Om Rajpurohit
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, Dy.G.A. Mr. Ravindra Singh Bhati, Asst.G.A.
For Complainant	:	Mr. Rajendra

HON'BLE MR. JUSTICE FARJAND ALI

Order

13/02/2025

1. The instant criminal misc. petition has been filed under Section 482 Cr.PC/528 BNSS on behalf of the petitioner for quashing of the entire proceeding pending against him in the Court of learned Chief Judicial Magistrate Court, Churu (hereinafter to be referred as 'the trial court') in Case No.89/2020, arising out of FIR No.25/2019 registered at Police Station Mahila Thana Churu, District Churu for the offence under Sections 498-A and 406 of the IPC, on the ground of compromise.

2. Learned counsel for the petitioner submits 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 both the parties have settled their disputes through amicable settlement, for which a compromise-deed has been executed and submitted before the learned trial court.

3. It is also submitted by learned counsel for the petitioner that the charge-sheet has been filed against the petitioner for the offence under Sections 498-A and 406 of the IPC. It is submitted that as the parties have entered into compromise, there remains no controversy in between them and the parties do not wish to continue the criminal proceedings further.

4. Learned counsel for the petitioner has relied upon the judgment passed by Hon'ble the Supreme Court in the case of **Gian Singh Vs. State of Punjab** reported in **(2012) 10 SCC 303**.

5. On the other hand, learned counsel appearing for complainant-respondent No.2 admits the fact of compromise and submits that the complainant-respondent No.2 is willing if the FIR and the proceedings are quashed on the basis of compromise entered in between the parties.

6. Learned Deputy Government Advocate has opposed the petition.

7. Heard learned counsel for the parties and 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.

8. Some of the offences alleged in this matter are non-compoundable, however, Hon'ble Supreme Court in the case of **Gian Singh (supra)** 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. 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.

9. 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 the entire proceedings undertaken in pursuance thereof.

10. Accordingly the instant criminal misc. petition is allowed. The entire proceeding pending in the Court of learned Chief Judicial Magistrate Court, Churu in Case No.89/2020 arising out of FIR No.25/2019 registered at Police Station Mahila Thana Churu, District Churu are hereby quashed and set aside.

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

12. The stay petition is disposed of.

(FARJAND ALI),J

249-Ashutosh/-