HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 1104/2025

1. Mohammad Shoaib Khan S/o Abdul Haphij Khan, Aged About 44 Years, R/o 12, Ratakhet Rimjim Vatika, 80 Ft. Road, Mulla Talai, Girwa, Dist. Udaipur, Raj.
2. Noor Sultan S/o Nazar Mohammad, Aged About 40 Years, R/o 91 Firdos Nagar, Savina (Rural), Dist. Udaipur, Raj.
3. Mohammad Hussain S/o Munir Ahmad, Aged About 47 Years, R/o 13 New Vinayak Nagar, Sector 12, Savina (Rural), Dist. Udaipur, Raj.
4. Imran Hussain S/o Mohammad Yusuf, Aged About 40 Years, R/o 435, Raza Colony, Near Mosque, Mulla Talai, Girwa, Dist. Udaipur, Raj.
5. Imroj S/o Siddiq Khan, Aged About 44 Years, R/o 351, Faruq Azam Nagar, Mulla Talai, Girwa, Dist. Udaipur, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Chagan Lal Kalbeliya S/o Nathu Lal Kalbeliya, R/o 80 Ft. Road, Kalbeliya Colony, Dist. Udaipur.

----Respondents

For Petitioner(s)	:	Mr. Zafar Khan
For Respondent(s)	:	Mr. Vikram Rajpurohit, Dy.G.A. with Mr. Ravindra Mr. Saurabh Soni

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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 528 BNSS for quashing of FIR No. 21/2025 registered at Police Station Ambamata, District Udaipur, Rajasthan for the offence under Sections 420, 406, 427, 386 and 34 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.

3. 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 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.

6. Here in this case, though the offences are not compoundable but 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 undertaken in pursuance thereof are hereby quashed and set aside. The accused are acquitted from the charges and their bail bonds are discharged.

8. The stay petition also stands disposed of.

(FARJAND ALI),J

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