HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7217/2026
CNR: RJHC021061472026 | URN: CRLMP / 17717U / 2026

1. Pawan Foujdar S/o Shri Satyaveer Singh, Aged About 26 Years, Resident Of Village Jatoli, Thoon Janoothar, Tehsil Deeg, District Deeg (Rajasthan).
2. Rajnish @ Raj S/o Ramkesh Kumar, Aged About 28 Years, Resident Of Shri Krishannagar, Tehsil Mundawar, District Khairthal Tijara (Rajasthan).
3. Mohit S/o Hariram Meena, Aged About 22 Years, Resident Of Village Inteda, Tehsil And Police Station Laxmangarh, District Alwar (Rajasthan).

----Petitioners

Versus

1. State of Rajasthan, Through P.P.
2. Gourav Agyey S/o Shri Vasudev, Aged About 23 Years, Resident Of Shakti Nagar, Khudanpuri Road, Police Station Vaishali Nagar, Alwar (Rajasthan)

----Respondents

For Petitioner(s)	:	Mr. Prakash Thakuriya
For Respondent(s)	:	Mr. Amit Gupta, PP
For Complainant(s)	:	Mr. Manjeet Saini with Mr. Pankaj Kumar Sharma

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

18/11/2026

1. By way of this Criminal Misc. Petition under Section 528 of BNSS, the accused-petitioners have approached this Court with a prayer to quash entire criminal proceedings of Sessions Case No.81/2026 pending before the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Alwar (Raj.) arising out of FIR No.165/2024 registered at Police Station Kotwali Alwar, District

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Alwar (Rajasthan) for offences punishable under Sections 143, 323, 341 & 506 of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015).

2. After registration of the aforesaid FIR, the police conducted investigation in the matter and submitted charge-sheet before the concerned Court for offences punishable under Sections 323, 341, 506 & 34 of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015). Thereafter, charges have been framed against the petitioners.

3. Learned counsel for the petitioners submits that the complainant has been examined during the course trial wherein he did not support the prosecution case and was declared hostile. Counsel submits that during the course of trial, matter has been resolved between the parties by way of amicable settlement. It is submitted that on 16.11.2026, compromise deed/application was produced before the learned trial Court for offences punishable under Sections 323, 341 & 506 of IPC and same was accepted by the learned trial Court, and now proceedings under the Atrocities Act have been pending against the petitioners. Therefore, it is prayed that the criminal proceedings pending against the petitioners for the Atrocities Act may be quashed on the basis of compromise arrived at between the parties. Counsel submits that due to the compromise, continuation of criminal proceedings against the petitioners are fruitless and would be a futile exercise and a waste of precious judicial time and resources.

4. Learned counsel for the complainant while accepting the factum of compromise submits that the complainant has no

objection if the criminal proceedings pending against the petitioners are quashed.

5. Learned Public Prosecutor submits that apart from the offences punishable under Sections 323, 341 & 506, the FIR has been registered under the provisions of SC/ST Act as well and the same cannot be quashed on the basis of compromise. He, however, accepts the factum of compromise having been entered into without coercion and duress.

6. In order to support his contention that FIR/proceedings under the provisions of SC/ST Act can be quashed, learned counsel for the petitioners invites attention of this Court towards the order dated 25.10.2021 passed by the Hon'ble Supreme Court in the case of ***Ramawatar Versus State of Madhya Pradesh*** reported in ***AIR 2021 SC 5228***.

7. In the above referred case of **Ramawatar (supra)**, the Hon'ble Supreme Court has observed thus:

> "12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.
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> 13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in postconviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency

of legal proceedings, be that may before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that ven though the powers of this Court under Article 142 are wide and far reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to take note of the relevant laws and will have to regulate the use of its power and discretion accordingly. The Constitution Bench decision in the case of Supreme Court Bar Assn. v. Union of India & Anr. has eloquently clarified this point as follows:

> "48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to

> set limits for itself within which to exercise those powers and 6 (1998) 4 SCC 409, 48 ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only disputesettling. It is well recognised and established that this Court has always been a law maker and its role travels beyond merely disputesettling. It is a "problem - solver in the nebulous areas" (see K. Veeraswami v. Union of India [(1991) 3 SCC 655 : 1991 SCC (Cri) 734] but the substantive statutory provisions dealing with the subjectmatter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject."

15. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the

> Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper-castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twinfold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of castebased atrocities.
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> 16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."

8. The aforesaid judgment of the Hon'ble Supreme Court settles the legal position so far as this Court's power to quash the proceedings/FIR (in exercise of powers under Section 528 of BNSS) is concerned, in cases where the parties have entered into compromise in the cases involving offences under the provisions of SC/ST Act. The only caution which is to be borne in mind is,

that the compromise must be with free will. So far as for the remaining offences alleged in this case are concerned, this Court is of the opinion that since the parties have resolved their dispute and also finding that the present case is wholly covered by the principle of law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh versus State of Punjab & Anr.*** reported in ***2012 Cr.L.J. (SC) 4934*** and in the case of ***State of Haryana & Ors. versus Choudhary Bhajan Lal & Ors.*** reported in ***AIR 1992 SC 604***, the aforesaid criminal proceedings are liable to be quashed.

9. In view of the aforesaid legal position and considering the submissions made on behalf of the respective parties and in light of judgments of the Hon'ble Supreme Court in the cases of ***Ramawatar* (supra), *Gian Singh* (supra)** and ***Choudhary Bhajan Lal* (supra)**, the aforesaid criminal proceedings are liable to be quashed in the face of compromise between the parties, although the offences are not compoundable.

10. Accordingly, this Criminal Misc. Petition is allowed. The entire criminal proceedings in Sessions Case No.81/2026 pending against the petitioners before learned Special Judge, SC/ST (Prevention of Atrocities) Act, Alwar (Raj.) arising out of FIR No.165/2024 registered at Police Station Kotwali Alwar, District Alwar (Rajasthan), are hereby quashed and set aside. Consequence to follow.

11. Stay Application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J

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