RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 9716/2026
CNR: RJHC011030352026 | URN: CRLMP / 16368U / 2026

Rajasthan High Court
सत्यमेव जयते
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Kunal Chauhan S/o Vinod Prakash, Aged About 18 Years, Near Nathdwara School Bilara, Police Station Bilara, District Beawar, Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mohammed Shahid S/o Mohammed Hussain, Subhash Chock Sirviyo Ka Bas, Bhavi, Bilara, Police Station Bilara District Jodhpur Rural, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Shrijeet Singh Solanki
For Respondent(s)	:	Mr. Sriram Choudhary, PP
For Complainant	:	Mr. Pritam Joshi

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

05/11/2026

1. The present criminal misc. petition has been filed under Section 528, BNSS, 2023, for quashing of FIR No.156/2026 dated 21.06.2026 registered at Police Station Bilara, District Jodhpur Rural, alleging offences under Sections 189(2), 115(2), 126(2) and 308(2) of BNS on the ground of compromise arrived at between the parties.

2. Learned counsel for the petitioner submits that the parties have amicably settled their disputes and have arrived at a compromise. He places reliance on the decision of the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab &***

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Ors.; (2012) 10 SCC 303 and prays that the impugned FIR may kindly be quashed.

3. Learned counsel for the complainant concurs the factum of compromise and submits that in view of the compromise, the complainant is not inclined to further prosecute the petitioner.

3.1 Learned Public Prosecutor, while referring to the factual report dated 05.11.2026, submits that the factum of compromise has been verified by the Investigating Officer.

3.2 The factual report dated 05.11.2026 is taken on record.

4. The Apex Court while answering a reference in the case of ***Gian Singh*** (supra) held as under:-

> *"57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special*

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statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

5. In view of compromise arrived at between the parties so also considering the fact that the parties have decided to bring quietus to their disputes and applying the ratio laid down in the decision of ***Gian Singh*** (supra), this Court deems it just and proper to invoke its inherent powers under Section 528 BNSS, 2023.

6. Accordingly, the present misc. petition is allowed. The FIR No.156/2026 dated 21.06.2026 registered at Police Station Bilara,

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District Jodhpur Rural and all subsequent proceedings arising therefrom against the petitioner, are hereby quashed.

7. Pending application(s), if any, stand(s) disposed of.

(SUNIL BENIWAL),J

Crt_13 (1954)
S-A/346
Ashutosh Baranwal

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