HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 662/2025

Rahul Gurjar S/o Bhawar Lal Gurjar, Aged About 23 Years, R/o Plot Number 14, 15, Jhotwara, Jaipur.

----Accused Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Satyapal S/o Makhan Lal,
3. Tejpal S/o Brijpal Singh,
4. Lisha Choudhary D/o Brijpal Singh,
   R/o 13-A, Vijay Singh Pathik Nagar Colony, Jhotwara, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Mohit Pareek, Advocate
For Respondent(s)	:	Ms. Savita Nathawat, Advocate Mr. Vivek Choudhary, Dy. G.A.

HON'BLE MR. JUSTICE BHUWAN GOYAL
Order

27/02/2026

1. This criminal misc. petition has been filed by the petitioner under Section 528 BNSS for quashing criminal proceedings in Sessions Case No. 2/2022 titled State of Rajasthan Versus Rahul pending before Addl. Sessions Judge No.5, Jaipur Metropolitan-II arising out of FIR No. 657/2021 registered at Police Station, Jhotwara, Jaipur, on the basis of compromise.

2. Both the parties are present in person today in the Court. Their signature have been obtained on the order sheet and they have been duly identified by their respective advocates.

3. Learned counsel for the petitioner submits that the respondent no.2 lodged FIR No. 657/2021 against the petitioner for the offence under Sections 323, 341 and 308 IPC. After completing the investigation, the police submitted the charge sheet, the trial court took cognizance and framed charges against

the petitioner for the offence under Sections 323, 341 and 307 IPC. He further submits that both the parties have settled their dispute by way of compromise. They submitted a compromise application before the trial court, but the trial court vide its order dated 3.12.2024 attested the compromise for the offence under Sections 323 and 341 IPC but did not attest the compromise for the offence under Section 307 IPC being non compoundable. A copy of the compromise duly signed by both the parties has been annexed with the petition. He further submits that no fruitful purpose would be served by continuing the criminal proceedings in Sessions No. 2/2022 arising out of FIR No. 657/2021. He has therefore, prayed to quash the Criminal Proceedings in Sessions Case No. 2/2022 arising out of impugned FIR No. 657/2021 registered at Police Station, Jhotwara, Jaipur.

4. Learned counsel appearing for the respondents does not dispute the aforesaid factual aspect. He submits that the victim and respondents have no objection if criminal proceedings in Sessions Case No. 2/2022 arising out of impugned FIR No. 657/2021 registered at Police Station, Jhotwara, Jaipur are quashed.

5. Learned Dy. G.A. has opposed the same.

6. Heard learned counsel for the parties and carefully perused the relevant material on record.

7. The Hon'ble Supreme Court in case of **Gian Singh Vs. State of Punjab[(2012) 10 SCC 303]** observed as follows:

> "Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under

> Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment."

8. Following the analogy expounded by the Apex Court in case of **Gian Singh** (supra), while dealing with the issue to allow settlement for offence under Section 307 IPC, the Hon'ble Supreme Court in case of **Narendra Singh Vs. State of Punjab: [(2014)6 SCC 466]**, observed that the petition under Section 482 Cr. P.C. may not be refused merely on a ground that the FIR/ Charge-sheet incorporate the offence under Section 307 IPC. The Hon'ble Supreme Court has considered observations made in case of **Dimpey Gujral V. UT : [(2013)11 SCC 497]** accepting the settlement between parties for offence under Section 307 IPC and observed as under:-

> "Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/ victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. Therefore, only because FIR/ charge-sheet incorporates the provision of Section 307 IPC would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained,

> the portion of the bodies where the injuries were inflicted (namely, whether injuries are caused at the vital/ delicate parts of the body) and the nature of weapons used, etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 IPC, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 IPC were unnecessarily included in the charge-sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties."

9. Hon'ble Supreme Court in case of **Ramgopal Vs. The State of Madhya Pradesh reported in [2022 (14) SCC 531** observed as follows:-

> "12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non compoundable."

10. In view of the aforesaid proposition of law and also in view of the fact that both the parties have their dispute amicably and entered into a compromise, therefore, this Court deems it just and proper to allow the present criminal misc. petition.

11. As a result, the present criminal misc. petition is allowed and criminal proceedings in Sessions Case No. 2/2022 pending before Addl. Sessions Judge No.5, Jaipur Metro-II arising out of impugned FIR as also the FIR No. 657/2021 registered at Police Station, Jhotwara, Jaipur are quashed.

12. Stay application and pending applications, if any, also stand disposed of.

(BHUWAN GOYAL),J

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