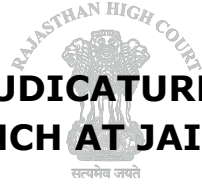




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 8345/2025

1. Rajkumar S/o Parmanand, Residing At House No. 441/30, Laxman Colony, Thanesar, Kurukshetra, Haryana.
2. Ishan S/o Rajkumar, Aged About 29 Years, Residing At House No. 441/30, Laxman Colony, Thanesar, Kurukshetra, Haryana.

-----Accused-Petitioners

Versus

1. State Of Rajasthan, Through P.P.
-----Respondent
2. Tarachand S/o Hemraj Mahawar, R/o Jhera, Sainthal, Dausa, Rajasthan.
-----Respondent/Complainant

For Petitioner(s) : Mr. Ummed Singh with
Mr. Tanish Jalap, and
Mr. Garvit Chand

For Respondent(s) : Mr. Manvendra Singh Shekhawat, PP
Mr. Lakhvinder Singh with
Mr. Ankit Kumar, and
Mr. Sourabh Sheoran

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

14/05/2026

1. The present criminal miscellaneous petition has been filed by the petitioner under Section 528 of BNSS, 2023 seeking quashing of the criminal proceeding arising out of FIR No.0174/2025 dated 26.10.2025 (Annexure-1) registered at Police Station Sainthal, District Dausa, for the alleged offences punishable under Sections 281, 125(a) and 106(1) of BNS, 2023, and all consequential proceedings arising therefrom.



2. Learned counsel for the petitioners submits that the allegations as levelled in the impugned FIR with respect to rash and negligent driving are not made out on the face of it as the vehicle was not driven in a rash or negligent manner and the incident was an unfortunate happening.

3. Learned counsel also submits that the trial in pursuance to the impugned FIR is pending before the competent Court, however, an amicable settlement has been arrived at between the parties on 12.12.2025, a copy of which has been annexed as Annexure-2.

4. Learned counsel for the petitioners submits that the FIR was lodged by respondent No.2 - complainant (brother of the deceased) who has duly executed the compromise and has even appeared before the learned trial Court along with the wife of the deceased.

Learned counsel also submits that at the time of accident, along with the deceased - Sh. Ramesh Chandra Mahawar, wife of the deceased - Smt. Vimla Devi was also injured and she is also one of the witness to the said compromise.

5. Learned counsel for the petitioners, has placed specific reliance upon the judgment dated 01.04.2016 of the Delhi High Court passed in ***Crl.M.C.4686/2015 & Crl.M.A. No. 16828/2015*** titled as ***Amit Kumar Vs. State (Govt. of NCT of Delhi)***, and order dated 21.07.2025 passed by a Co-ordinate Bench of this Court at Principal Seat, Jodhpur, in ***S.B. Criminal Misc (Petition) No.5716/2025*** titled as ***Mohan Lal Agarwal Vs. State of Rajasthan & Anr.***, wherein while dealing with the FIR registered under Section 304A of IPC (Section 106 under





BNSS, 2023), the Court while exercising its inherent jurisdiction under Section 482 Cr.PC (528 BNSS, 2023) was pleased to quash the impugned FIR therein on the basis of a compromise between the parties.

6. Thus, learned counsel for the petitioner submit that since the parties have arrived at a compromise dated 12.12.2025, a copy of which has been annexed with the petition as Annexure-2, the FIR in question deserves to be quashed in view of the above mentioned judgments and so also the judgments passed by the Hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab & Anr.***, reported in **(2012) 10 SCC 303**, ***Narinder Singh & Ors. Vs. State of Punjab & Anr.***, reported in **(2014) 6 SCC 466**, ***State of Madhya Pradesh Vs. Laxmi Narayan & Ors.***, reported in **(2019) 5 SCC 688**.

7. Learned Public Prosecutor has opposed the prayers made in the criminal miscellaneous petition.

8. Learned counsel appearing for respondent No.2 - complainant while acknowledging the factum of compromise between the parties, submits that respondent No.2 - complainant has willingly arrived at the said compromise and has no objection if the FIR in question is quashed.

Learned counsel appearing for respondent No.2 - complainant also submits that the wife of the deceased has also willingly agreed to the said compromise, which is evident from the bare perusal of the compromise, in which she has signed as a witness and the orders passed by the trial Court.

9. Heard learned counsel for the parties and perused the material available on record.





10. A bare perusal of the impugned FIR reveals that the same was registered in pursuance of an alleged accident between the accused-petitioners and brother and sister-in-law of the respondent No.2 – complainant which led to unfortunate demise of the brother of respondent No.2 – complainant and injuries to his sister-in-law. Record reveals that a compromise dated 12.12.2025 (Annexure-2) has been submitted by the respondent No.2 – complainant before the learned trial Court with respect to a compromise being entered into between the parties to which even the wife of the deceased is a witness. Thereafter, an application dated 15.04.2026 was also filed by the respondent No.2 – complainant and wife of the deceased – Smt. Vimla Devi, stating that as a compromise has been entered into between the parties, they are not willing to proceed further with the case.

11. The order dated 15.04.2026 passed by the learned trial Court in Regular Criminal Case No.3593/2025, vide which offence under Section 125(a) of BNS, 2023, was compounded also confirms the said factum. However, as the offences under Sections 281 and 106(1) of BNS, 2023 are non-compoundable in nature, the criminal case *qua* the same is pending.

12. From the material on record, it is apparent that the dispute has amicably been settled between the parties. The Hon'ble Supreme Court in ***Gian Singh (supra)***, has authoritatively held that the High Court in exercise of its inherent powers under Section 482 Cr.PC can quash criminal proceedings even in respect of non-compoundable offences, relevant extract of the said judgment reads as under:





" 58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. ...

...

61. ... In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

The above mentioned position of law has been reiterated and has been consistently held in currency by the Hon'ble Supreme Court and Co-ordinate Benches of this Court.

13. In light of the above, this Court finds that the dispute has been amicably resolved. The complainant has no subsisting grievance against the petitioners and the matter has been settled





out of the free will of the complainant and wife of the deceased, hence, as there is remote possibility of conviction, allowing such criminal proceedings to continue would be nothing but an abuse of the process of law and thus, it would be in the interest of justice to exercise the inherent powers as vested upon this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

14. Resultantly, the present criminal miscellaneous petition stands allowed and the FIR No.0321/2023 dated 15.06.2023, registered at Police Station Murlipura, District Jaipur (West), and so also Regular Criminal Case No.3593/2025 pending before the Court of Additional Chief Judicial Magistrate No.2, Dausa, District Dausa, along with all consequential proceedings arising therefrom, are hereby quashed and set aside.

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

(ANUROOP SINGHI),J

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