



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Misc. Appli No. 147/2024

Supriya D/o Shri Manish Choudhary, Aged About 21 Years, 18/19  
Kamla Nehru Nagar, P.s Pratap Nagar, Jodhpur (Raj)  
Complainant.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Jay Gehlot S/o Dinesh Gehlot, Aged About 26 Years, R/o  
04 Vidhya Nagar, Chakra Wala Bera, Nayapura Petrol  
Pump, Jodhpur (Raj)

-----Respondents

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For Petitioner(s) : Mr. Himmat Jagga  
Ms. Taniya Chug  
For Respondent(s) : Mr. Sri Ram Choudhary, AGA  
Mr. Gokulesh Bohra

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

<b>DATE OF CONCLUSION OF ARGUMENTS</b>	<b>11/02/2026</b>
<b>DATE ON WHICH ORDER IS RESERVED</b>	<b>11/02/2026</b>
<b>FULL ORDER OR OPERATIVE PART</b>	<b>Full Order</b>
<b>DATE OF PRONOUNCEMENT</b>	<b>18/03/2026</b>

**REPORTABLE**

**BY THE COURT:-**

1. The present matter arises out of an instant Miscellaneous Application seeking recall of a portion of the order dated 07.03.2024 passed by this Court in S.B. Criminal Misc. Petition No.790/2024.
2. The aforementioned Criminal Misc. Petition No.790/2024 was instituted by the petitioner Jay Gehlot invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C., praying for



quashing of the FIR and all consequential proceedings on the basis of a compromise allegedly arrived at between the petitioner and the complainant.

3. During the hearing of the said petition, the complainant-applicant Supriya D/o Manish Choudhary, who was arrayed as respondent No.2, appeared before this Court along with her counsel and unequivocally acknowledged that a compromise had been amicably effected between herself and the petitioner Jay Gehlot. She further categorically stated before the Court that she did not wish to pursue any criminal proceedings against the petitioner in light of the compromise.

4. In view of the aforesaid compromise and relying upon the authoritative pronouncement of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab***, this Court deemed it appropriate to exercise its inherent jurisdiction and accordingly passed an order dated 07.03.2024 quashing the FIR and subsequent proceedings. However, it has subsequently come to the notice of this Court that due to a slip of mind or inadvertent error, the language employed in paragraph No.7 of the said order resulted in quashing of the entire FIR, whereas the compromise was confined only to the petitioner Jay Gehlot and one Kaushal Sankhla.

5. The complainant-applicant Supriya has therefore filed the present application asserting that the compromise was entered into exclusively with Jay Gehlot and Kaushal Sankhla, and not with the other accused persons named in the FIR. She has contended that her consent for compromise and consequent quashing was





limited only to the said two individuals, and the proceedings against the remaining accused were never intended to be terminated.

6. Notice of the instant application was issued by this Court vide order dated 19.05.2025, and the matter was thereafter heard at length. This Court has also carefully perused the written compromise placed on record.

7. A scrutiny of the compromise document reveals that the complainant Supriya, along with her family members Manish Choudhary, Sushila Choudhary and Anil Choudhary, acknowledged settlement of the dispute with Kaushal Sankhla. The compromise appears to have arisen out of a property dispute relating to certain plots, which the parties resolved through mutual understanding and in the larger interest of maintaining harmony.

8. In the compromise, particularly Clause No.3, it is recorded that the possession of the disputed plots had been handed over to the second party, thereby resolving the underlying dispute. Furthermore, Clause No.4 explicitly mentions that in relation to Case No.390/2023, the parties no longer wish to pursue any further proceedings.

9. Considering the submissions advanced before the Court, this Court directed the learned AGA to place a factual report on record. In compliance thereof, the learned AGA submitted a report dated 18.08.2025.

10. Upon perusal of the said factual report, it transpires that the investigation revealed involvement of fifteen persons, namely:





Deendayal Choudhary, Kaushal Sankhla, Pintu Rajnat, Suresh Goyal, Rakesh Lohar, Shaitan Singh, Ajay Dawara, Kana Ram, Praveen Singh, Smt. Tara, Smt. Saraswati, Smt. Laxmi, Smt. Rekha, Smt. Balam Smt. Kamla and offences were found to be prima facie established against them under Sections 143, 323, 354, 382, 427, 440 and 455 IPC.

11. It is therefore manifest that the compromise was confined only between the complainant and two individuals, namely Jay Gehlot and Kaushal Sankhla. Consequently, the intention of this Court while passing the earlier order was to quash the proceedings only to the limited extent of the petitioner before the Court. However, owing to an inadvertent clerical lapse and an accidental slip in drafting, paragraph No.7 of the order dated 07.03.2024 inadvertently resulted in quashing of the FIR in its entirety, which was clearly not the contemplation of the Court. At this juncture, it becomes necessary to clarify that the present exercise undertaken by this Court does not amount to a review of the earlier order.

12. At this stage, it becomes apposite for this Court to elucidate, with greater doctrinal precision, the well-recognized and jurisprudentially entrenched distinction between the exercise of the power of review and that of recall. A review, in its classical legal sense, contemplates a substantive re-consideration of a matter already adjudicated upon, whereby the Court is invited to revisit its earlier determination on the merits. Such jurisdiction is ordinarily circumscribed by statutory limitations and is exercised only upon the demonstration of narrowly defined grounds, such as





the discovery of new and material evidence which could not be produced earlier despite due diligence, an error apparent on the face of the record, or other legally recognized contingencies. In essence, the exercise of review entails a re-examination of the correctness or propriety of the conclusions already reached, thereby reopening the adjudicatory process to a limited extent.

13. Contrariwise, the power of recall occupies an altogether distinct doctrinal plane. Recall does not involve a re-evaluation of the merits of the case nor does it amount to a judicial reconsideration of the conclusions previously arrived at. Rather, it is invoked in circumstances where the order of the Court has been affected by an inadvertent procedural irregularity, accidental omission, clerical lapse, or a manifest slip of pen or mind, which has the effect of causing the recorded order to deviate from the true intent and contemplation of the Court at the time of its pronouncement. In such situations, the Court merely undertakes the ministerial act of restoring its order to the form and substance which it had originally intended, thereby aligning the written record with the actual judicial determination.

14. Thus understood, the exercise of recall does not partake of the character of appellate or review jurisdiction; rather, it constitutes a limited corrective authority inherent in every Court of record, enabling it to rectify accidental errors and procedural aberrations so that the judicial record may accurately mirror the true judicial intent. The invocation of such power is guided not by a desire to re-adjudicate the controversy but by the imperative





necessity of preventing the perpetuation of an unintended consequence arising from a mere clerical or accidental lapse, and thereby safeguarding the purity of the judicial process and securing the overarching ends of justice.

15. In the case at hand, the fifteen accused persons named in the investigation report were never petitioners before this Court, nor had they approached this Court seeking quashing of the FIR. Their cases were never placed for consideration, nor did this Court undertake any adjudication concerning their culpability. Therefore, the quashing of the FIR qua those accused persons was neither prayed for nor examined by this Court, and the inadvertent inclusion of their names within the ambit of the quashing order can only be attributed to a slip of the pen or mind.

16. Consequently, rectifying such an inadvertent error by recalling the relevant portion of the order does not amount to exercising the power of review, but rather constitutes a legitimate exercise of the Court's inherent authority to correct accidental or clerical mistakes in order to prevent miscarriage of justice.

17. In view of the above discussion, paragraph No.7 of the order dated 07.03.2024 passed in S.B. Criminal Misc. Petition No.790/2024 is hereby recalled and modified to the extent that the quashing of the FIR shall remain operative only in relation to the petitioner Jay Gehlot (and the compromised party Kaushal Sankhla). It is further clarified that the investigating agency shall remain at liberty to proceed in accordance with law against the





remaining accused persons named in the investigation report, and the criminal proceedings against them shall continue unaffected.

18. Accordingly, the present Miscellaneous Application stands allowed.

19. Ordered accordingly.

**(FARJAND ALI),J**

214-Mamta/-

