

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 4770/2026
CNR: RJHC010590402026
URN: CRLMP / 8607U / 2026

-----Petitioner

Versus

- 1. State Of Rajasthan, Through Pp
- 2.

-----Respondents

For Petitioner(s)	:	Mr. Ramniwas Choudhary
For Respondent(s)	:	Mr. Hanuman Prajapati, PP Mr. Ranjana Ojha

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

REPORTABLE
08/07/2026

The present Criminal Miscellaneous Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the entire criminal proceedings in Sessions Case No. 14/2021, pending before the Court of the learned Additional Sessions Judge (Women Atrocities Cases), Jodhpur Metropolitan, arising out of FIR No. 202/2020 registered at Police Station Soorsagar, Jodhpur, for the offences punishable under Sections 376, 376(2)(n), 377, 384, 506 and 450 of the Indian Penal Code, on the ground that the parties have amicably

resolved their disputes and are presently living together in a happy and stable matrimonial relationship.

The prosecutrix and the petitioner are present in person before this Court today. The prosecutrix states that she had married the petitioner prior to the registration of the FIR. However, after their marriage, both had returned to their respective homes, and when her parents came to know about the marriage, the present FIR was lodged under pressure. Thereafter, she continued to stay with her parents. It is further stated that in December 2025, she again eloped with the petitioner.

In these circumstances, having regard to the love and affection shared between the prosecutrix and the petitioner, the families of both parties ultimately decided to accept their relationship and consented to their marriage. Accordingly, since 25.12.2025, both have been residing together as husband and wife at the petitioner's residence along with his parents.

Learned Public Prosecutor submits that the trial is at an advanced stage, as almost all the prosecution witnesses, including the parents of the prosecutrix, have already been examined. Nevertheless, it is not disputed that the parties are presently residing together as husband and wife.

The counsel for the respondent also does not dispute the present petition and admits that the matter now stands settled and both the parties are living together.

The facts reveal that the parties had, in fact, married way back in the year 2020. However, owing to the pressure exerted by

their families, the present criminal proceedings continued. At the time of their marriage in 2020, both parties were major. The prosecutrix was about 20 years of age at that time and, is now 26 years old. Despite the passage of all these years, their relationship endured, and their love failed to die, ultimately they were united in December 2025. They are now residing together as husband and wife.

The entire sequence of events reveals that the criminal proceedings were initiated as a consequence of family pressure. Although the trial has reached an advanced stage, the relationship between the parties has, since its inception, been consensual and has endured for over six years. Despite the pendency of the criminal proceedings and the circumstances surrounding the case, the prosecutrix and the petitioner have chosen to continue living together as husband and wife.

The Hon'ble the Supreme Court in the matter of **Prashant Bhartiya Vs. State of Delhi & Ors.(Criminal appeal no.708/2021)**, has held that even in offences of serious nature, if the parties have settled the dispute and continuation of proceedings would serve no useful purpose, the FIR can be quashed. The relevant portion of which is quoted hereunder:

"3. Respondent No. 2 had lodged a complaint alleging, inter alia, that the Appellant had committed an offence under Section 376 of the Indian Penal Code. It is undisputed that both the Accused (Appellant) and Respondent No. 2 were living together for a considerable while. The complainant's allegation is that the Appellant duped her by misrepresenting to her that He is divorced. The complainant, according to the accused, is not unmarried and her marriage subsists.

4. During pendency of the proceedings, the parties were referred to mediation having regard to the fact that a

child was born in the meanwhile (i.e. in the year 2018). As a consequence, a mediated settlement limited to the maintenance and upkeep of the child was arrived at by them.

5. Having regard to these facts and the submissions made on behalf of the complainant -who does not dispute that this may not be an appropriate case for pursuing the prosecution further, this Court is of the considered view that the criminal proceedings must be quashed.

6. In the peculiar circumstances of the present case, the impugned judgment of the High Court is set aside; the FIR (No. 616) and all consequent proceedings be quashed. It is, however, made clear that this order will not come in the way or in any manner prejudice the contentions of the parties in any other pending proceedings, which shall 20-09-2022 be decided in accordance with law

7. The appeal is allowed to the above extent."

The Hon'ble Supreme Court in **Madhukar & Ors. vs. State of Maharashtra**, reported in **2025 INSC 819**, has observed that although offences under Section 64 of the BNS (corresponding to Section 376 IPC) are undoubtedly grave in nature and ordinarily ought not to be quashed on the basis of compromise, the inherent powers of the Court to secure the ends of justice are not constrained by a rigid formula and must be exercised in the facts and circumstances of each case. The relevant portion is quoted herein-under:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been an reactionary step. More

importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."(emphasis supplied)The learned counsel has also relied upon the order of the Coordinate Bench of this Court in the case of Om Prakash vs. State of Rajasthan (S.B. Criminal Misc. Petition No.2736/2023), wherein the FIR under Section 376 IPC was quashed on the basis of a compromise between the parties."

The Hon'ble Supreme Court in **Mahesh Mukund Patel v. State of U.P.**, reported in **2025 SCC OnLine SC 614**, while dealing with allegations under Sections 363, 366 and 376 IPC as well as Sections 3 and 4 of the POCSO Act, noticed that the accused and the prosecutrix had subsequently solemnized marriage and were residing together happily. The Hon'ble Apex Court observed that continuation of the criminal proceedings in such circumstances would serve no useful purpose and would only result in unnecessary harassment to the accused, the prosecutrix and their children. It was further observed that such a case warranted exercise of the inherent jurisdiction of the High Court for quashing the criminal proceedings. The relevant portion is quoted herein-under:-

5.".....The complainant in the 2nd FIR, now married and residing with her husband, has expressed that continuation of the prosecution would cause further disruption in her personal life and that she has no wish to support the charges or pursue the matter any further.

6. At the outset, we recognise that the offence under [Section 376](#) IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under [Section 482](#) CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including [Section 376](#) IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step.

More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process.

9. Accordingly, the appeals are allowed. The impugned order of the High Court dated 07.03.2025 is set aside. FIR No. 302 of 2023 and FIR No. 304 of 2023, along with all proceedings arising therefrom, including Sessions Case No. 29 of 2024, stand quashed.

10. Pending applications, if any, are disposed of."

The present case stands on an equally peculiar footing. The prosecutrix has categorically stated before this Court that she had

voluntarily married the petitioner in the year 2020, that the FIR came to be lodged owing to pressure exerted by her family members and that she is presently residing with the petitioner as his wife with the acceptance of both families. She has expressed her desire to continue her matrimonial life with the petitioner and has no grievance against him. The relationship between the parties has survived the passage of almost six years dispute and pendency of the criminal proceedings. Rather than being estranged by the litigation, they have reunited and are presently living together as husband and wife.

Having voluntarily chosen to live together long ago, and having reunited despite the intervening litigation, this Court is of the considered view that no useful purpose would be served by allowing the criminal proceedings to continue merely because the trial has reached an advanced stage.

This Court is, therefore, satisfied that the continuation of the present criminal proceedings would neither sub serve the cause of justice nor achieve the object of criminal law. On the contrary, permitting the prosecution to continue despite the unequivocal stand of the prosecutrix would only result in unnecessary hardship to both parties and jeopardize the settled matrimonial life which they have consciously chosen to lead. The peculiar facts of the present case, therefore, warrant exercise of the inherent jurisdiction of this Court to secure the ends of justice.

This Court, while exercising its extraordinary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,

2023, deems it appropriate to put an end to the present litigation, which has now become wholly futile. Continuation of the proceedings, and any eventual conviction of the petitioner, would serve no meaningful purpose and would only amount to abuse of process.

Accordingly, the present Criminal Miscellaneous Petition is allowed. The entire criminal proceedings in Sessions Case No. 14/2021 pending before the Court of the learned Additional Sessions Judge (Women Atrocities Cases), Jodhpur Metropolitan, arising out of FIR No. 202/2020 registered at Police Station Soorsagar, Jodhpur, for the offences under Sections 376, 376(2)(n), 377, 384, 506 and 450 of the Indian Penal Code, along with all consequential proceedings arising therefrom, are hereby quashed and set aside.

All pending application(s), if any, also stands disposed of.

(BALJINDER SINGH SANDHU),J