

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

S.B. Criminal Miscellaneous (Petition) No. 5588/2026
CNR: RJHC020818862026 | URN: CRLMP / 13641U / 2026

----Accused-Petitioner

Versus

1. The State Of Rajasthan, Through PP

-----Respondent

2. Victim, R/o

----Complainant/Respondent

For Petitioner(s) : Mr. Gaurav Sharma, Adv.
For Respondent(s) : Mr. N.S. Dhakar, PP and
For Complainant(s) : Mr. Ashutosh Singh Naruka, Adv.

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

03/09/2026

1. By way of this Criminal Misc. Petition under Section 528 BNSS, the accused-petitioner has approached this Court with a prayer to quash the FIR No.70/2026 registered at Police Station Bajaj Nagar, District Jaipur City (East) for offences punishable under Section 376 of IPC and Section 3/4 of the POCSO Act, 2012.

2. Learned counsel appearing on behalf of the petitioner submits that the parties have settled their dispute amicably and in this regard an affidavit dated 18.08.2026 has also been executed by complainant-respondent No.2 and same has been placed on record. Counsel submits that on account of compromise arrived at between the parties, further proceedings in the aforesaid FIR are fruitless and continuation thereof would be a futile exercise and a

waste of precious judicial time and resources. Counsel submits that the relationship between the petitioner and the victim was consensual in nature however, during the course of time, their relation deteriorated, ultimately leading to filing of the impugned FIR. It is submitted that after some time, when situation and circumstances changed and became normal, the parties resolved their dispute and married each other on 20.06.2026 and at present, they are living happily as husband and wife. Counsel further submits that in such peculiar facts and circumstances of the case, impugned FIR may be quashed by this Court on the basis of the fact that parties have entered into marriage and a compromise has also been arrived between them.

3. Learned counsel appearing on behalf of the complainant/victim does not dispute the factum of compromise and submits that complainant has no objection if this petition is allowed and impugned FIR lodged against the petitioner is quashed on the basis of amicable settlement arrived at between the parties.

4. Learned Public Prosecutor opposes the submissions advanced on behalf of the petitioner.

5. It is trite law that the High Court must be very cautious while allowing a compromise in cases of heinous and serious offences such as rape, dacoity, murder, or even attempt to murder. These offences are not merely a personal dispute between two individuals but a crime against the whole of society, which affects the public and the rule of law. These offences cannot be treated as a personal dispute between the victim and the accused and cannot

be settled on the basis of a compromise between them, as it may adversely affect the justice delivery system. However, this principle is not absolute in the sense that the High Court, in the exercise of its inherent powers as per Section 482 of the Cr.P.C is empowered to quash criminal proceedings based on a compromise in suitable cases depending on the facts and circumstances of the case. Such cases would be those in which the matter is largely personal in nature or the offence, though falling within a serious provision, is not in substance a serious offence from a social point of view. If the Court is of the opinion that the continuation of the proceedings is nothing but a mere formality and that the possibility of conviction is remote and bleak because of the compromise between the parties, and that no useful purpose is served in keeping the proceedings pending before the court, it may exercise its discretion to quash the proceedings to achieve the ends of justice and to prevent abuse of the process of the Court. Though it is true that heinous crimes generally fall outside the scope of compromise, it is also true that the High Court has the discretion to intervene in such cases where the facts and circumstances of the case are such that it is better to bring the litigation to an end rather than to allow it to continue.

6. Considering the facts of the present case, it is apparent that no purpose will be served by the continuation of the criminal proceedings. Moreover, it is an admitted position that the parties to a dispute have amicably settled their differences and entered into marriage. The change in circumstances is a clear indication that the substratum of the dispute no longer exists. The very

contents of the FIR itself reveal that at one point in time, the relationship between the two parties was cordial, which is a further indication that the dispute was personal in nature and not a dispute that affected the society in general.

7. Considering the factum of compromise that has been arrived at between both parties, it is highly unlikely that the victim would support the case during trial. As such, the prospects for a successful prosecution are bleak and remote. Continuing with the trial would not only be an exercise in futility but would also unnecessarily burden the judicial system, causing wastage of valuable time and resources of the trial court. It would therefore be just and proper to bring an end to the criminal proceedings that are emanating from the impugned FIR, in order to secure the ends of justice and prevent the abuse of the process of law.

8. In the case of **K Dhandapani versus The State by the Inspector of Police decided on 9th May, 2022 in Criminal Appeal No.796/2022**, the Hon'ble Supreme Court in identical facts and circumstances of the case set aside the conviction and sentence passed against the accused and the Court observed as follows:-

"This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix."

9. In view of the aforesaid and considering the submissions made on behalf of the respective parties; the material made available for perusal, especially considering the observations

made by Hon'ble Supreme Court in the case of **K Dhandapani (supra)**, as also considering the fact that the parties have amicably settled their differences and entered into marriage and also finding that the present case is wholly covered by the principle of law laid down by the Hon'ble Supreme Court in the case of **Gian Singh versus State of Punjab & Anr.**, reported in **2012 Cr.L.J. (SC) 4934** and in the case of **State of Haryana & Ors. versus Choudhary Bhajan Lal & Ors.**, reported in **AIR 1992 SC 604**, the impugned FIR is liable to be quashed in view of compromise arrived at between the parties.

10. Consequently, this Criminal Misc. Petition is allowed and the FIR No.70/2026 registered at Police Station Bajaj Nagar, District Jaipur City (East) is hereby quashed and set aside. Consequence to follow.

11. The stay application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J

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