HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 4025/2026
CNR: RJHC020599732026 | URN: CRLMP / 9074U / 2026

Girraj Prasad S/o Sh. Jagdish Narayan, Aged About 58 Years, R/o Kalali Mandir Ke Samne, Gandhi Tiraha, Dausa Kotwali, Dausa (Raj.)

----Petitioner

Versus

1. The State Of Rajasthan, Through The P.P.
2. Badri Prasad @ Badari S/o Manga @ Mangiram, R/o Raniwas Tehsil Nangal, Rajawtan District Dausa (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Gopal Singh Bareth
For Respondent(s)	:	Mr. Vivek Choudhary, PP Ms. Anushree Sharma

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

20/08/2026

1. By way of this Criminal Misc. Petition under Section 528 of the BNSS, the accused-petitioner has approached this Court with the prayer to quash FIR No.42/2026 registered at Police Station Kotwali (Dausa), District Dausa for the offences punishable under Sections 420, 467, 468, 471 and 120-B of IPC and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with all subsequent proceedings arising out from it.

2. Learned counsel for the petitioner submits that vide order dated 29.07.2026, the parties were directed to appear before the Investigating Officer for verification of compromise. He submits

that in compliance with the directions issued by this Court, the parties appeared before the Investigating Officer and endorsed the compromise. Counsel submits that on account of compromise, further proceedings in the impugned FIR are fruitless and continuation thereof would be a futile exercise and a waste of precious judicial time and resources.

3. Learned counsel for the complainant while accepting the factum of compromise submits that the complainant has no objection if the impugned FIR and subsequent proceedings are quashed.

4. Learned Public Prosecutor places on record the factual report dated 17.08.2026 received from SHO, Police Station Kotwali (Dausa), District Dausa. According to which, dispute has been resolved between the parties amicably. The said report is taken on record. However, he submits that since the FIR has been registered under the provisions of SC/ST Act, the same cannot be quashed on the basis of compromise.

5. In order to support his contention that FIR/proceedings under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act') can be quashed, learned counsel for the petitioner invites Court's attention towards the order dated 25.10.2021 passed by Hon'ble Supreme Court in the case of ***Ramawatar Vs. State of Madhya Pradesh*** *reported in* ***AIR 2021 SC 5228***.

6. In the above referred case of Ramawatar (supra), Hon'ble the Supreme Court has observed thus :

"12. In view of the settled proposition of law, we affirm the decision of this Court in Ramgopal (Supra) and reiterate that the powers of this Court under Article 142 can be invoked to quash a criminal proceeding on the basis of a voluntary compromise between the complainant/victim and the accused.

13. We, however, put a further caveat that the powers under Article 142 or under Section 482 Cr.P.C., are exercisable in postconviction matters only where an appeal is pending before one or the other Judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is subjudice before an appellate court. The pendency of legal proceedings, be that may before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings on the basis of a compromise would be impermissible. Such an embargo is necessitated to prevent the accused from gaining an indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fide. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow - hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

14. With respect to the second question before us, it must be noted that ven though the powers of this Court under Article 142 are wide and far reaching, the same cannot be exercised in a vacuum. True it is that ordinary statutes or any restrictions contained therein, cannot be constructed as a limitation on the Court's power to do "complete justice". However, this is not to say that this Court can altogether ignore the statutory provisions or other express prohibitions in law. In fact, the Court is obligated to take note of the relevant laws and will have to regulate the use of its power and discretion accordingly. The Constitution Bench decision in the case of Supreme Court Bar Assn. v. Union of India & Anr. has eloquently clarified this point as follows:

"48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice "between the parties in any cause or matter pending before it". The very nature of the power must lead the Court to set limits for itself within which to exercise

those powers and 6 (1998) 4 SCC 409, 48 ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the litigating parties by "ironing out the creases" in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only disputesettling. It is well recognised and established that this Court has always been a law maker and its role travels beyond merely disputesettling. It is a "problem solver in the nebulous areas" (see K. Veeraswami v. Union of India [(1991) 3 SCC 655 : 1991 SCC (Cri) 734] but the substantive statutory provisions dealing with the subjectmatter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject."

15. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of uppercastes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twinfold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of castebased atrocities.

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the

felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C."

7. The aforesaid judgment of Hon'ble the Supreme Court settles the legal position so far as this Court's power to quash the proceedings/FIR (in exercise of powers under Section 528 of BNSS) is concerned, in cases where the parties have entered into compromise in the cases involving offences under the provisions of SC/ST Act. The only caution which is to be borne in mind is, that the compromise must be with free will.

8. In view of the aforesaid legal position and considering the submissions made on behalf of the respective parties and in light of judgment of Hon'ble Supreme Court in the case of *Ramawatar* (supra), the impugned FIR is liable to be quashed in the face of compromise between the parties although the offences are not compoundable.

9. In view of the above, this Criminal Misc. Petition is allowed and the impugned FIR No.42/2026 registered at Police Station Kotwali (Dausa), District Dausa as well as consequential proceedings arising out from it are quashed qua the petitioner. Consequence to follow.

10. Stay application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J

59/Dushyant