HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 4590/2025
CNR: RJHC020635622025 | URN: CRLMP / 10572U / 2025

1. Ayub S/o Ise Khan, R/o Siwana, P.s. Khairthal, District Alwar.
2. Jaikam S/o Ise Khan, R/o Siwana, P.s. Khairthal, District Alwar.

----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Sarjeet S/o Husain Khan, R/o Village Siwana, P.s. Khairthal, District Alwar.

----Respondents

For Petitioner(s)	:	Mr. Sumer Singh Ola
For Respondent(s)	:	Mr. Vivek Choudhary, PP Mr. Raj Kumar Saini

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

18/08/2026

1. By way of this Criminal Misc. Petition under Section 528 of BNSS, the accused-petitioners have assailed the order dated 02.04.2025, passed by learned Additional Session Judge No.2, KIshangarh-Bas, District Alwar in Session Case No.89/2022 arising out of FIR No.372/2017, registered at Police Station Khairthal, District Alwar, whereby the learned Judge attested the compromise only to the extent of offences punishable under Sections 323, 341, 325/34 IPC and acquitted the petitioners from the said offences, however, he refused to attest the compromise for offence under Section 307 of IPC.

2. After registration of the FIR, the police conducted investigation in the matter and submitted charge-sheet before the concerned Court for offences punishable under Sections 323, 341, 325, 307, 34 IPC and thereafter, cognizance was taken and then, charges were framed against the petitioners for the aforesaid offences.

3. Learned counsel for the petitioners submits that during trial, parties have entered into compromise in the spirit of Lok Adalat and a joint application for attesting the compromise has been filed by the parties before the trial Court, but learned trial Court vide order dated 02.04.2025 has attested/accepted the compromise only to the extent of offences punishable under Sections 323, 341, 325/34 IPC and acquitted the petitioners from the said offences, however, trial Court refused to attest the compromise for offence under Section 307 IPC.

4. It has been contended that there are three injured in this case. Injured Arsad sustained three injuries, out of which two are simple in nature and one injury on the right index finger has been opined as grievous in nature; injured Rashid sustained two injuries, out of which one is simple in nature and another is grievous in nature; and injured Bismillah sustained one injury, which has been opined as simple in nature. Counsel submits that since parties have resolved their dispute amicably and there are remote chances of conviction as injured will not support the prosecution case during the course of the trial, therefore, on account of compromise, the order dated 02.04.2025 may be modified and criminal proceedings pending against the petitioners

before the trial Court for offence under Section 307 IPC may be quashed in view of compromise arrived at between the parties.

5. Learned Public Prosecutor opposes the submissions advanced on behalf of the petitioners and submits that since offence punishable under Section 307 IPC is a heinous offence therefore, on the basis of compromise, criminal proceedings should not be quashed.

6. Learned counsel for the complainant does not dispute the factum of compromise. He submits that complainant has no objection if the criminal proceedings are quashed.

7. Following the analogy expounded by Hon'ble Supreme Court in the case of ***Narendra Singh versus State of Punjab*** reported in ***(2014) 6 SCC 466***, while dealing with the issue to allow the settlement for offence under Section 109(1) of BNS, it has been observed that the petition under Section 528 of BNSS may not be refused merely on a ground that the FIR/Charge-sheet incorporate the offence under Section 109(1) of BNS. The Hon'ble Supreme Court has considered observations made in case of ***Dimpey Gujral & Ors. vs. U.T., Chandigarh & Ors.*** reported in ***(2013) 11 SCC 497*** accepting the settlement between parties for offence under Section 307 IPC and observed as under:-

> *"Having said so, we would hasen to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/ victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. Therefore, only because FIR/ charge-sheet incorporates the provision of Section 307 IPC*

> *would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely, whether injuries are caused at the vital/ delicate parts of the body) and the nature of weapons used, etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 IPC, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 IPC were unnecessarily included in the charge-sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties."*

8. In view of the aforesaid and considering the submissions made on behalf of the respective parties; the material made available for perusal of the Court and the fact that dispute has been resolved between the parties amicably, this Court feels that in order to establish harmony between the parties and give quietus to the litigation, it would be expedient to quash the criminal proceedings pending against the petitioners before the trial Court.

9. 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*** and in ***Narendra Singh*** (supra) ***and Dimpey Gujral*** (supra) and thus, the criminal proceedings pending against the petitioners for offences punishable under Section 307 IPC are liable to be quashed in view of compromise arrived at between the parties.

10. Accordingly, this Criminal Misc. Petition is allowed. The criminal proceedings in Criminal Case No.89/2022 arising out of FIR No.372/2017, registered at Police Station Khairthal, District Alwar, pending before learned Additional Session Judge No.2, KIshangarh-Bas, District Alwar against the petitioners for offence under Section 307 of IPC are hereby quashed in view of compromise arrived at between the parties. The order dated 02.04.2025, passed by the trial Court stands modified. Consequence to follow.

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

(ANIL KUMAR UPMAN),J

281/Dushyant