HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 4690/2026
CNR: RJHC020684312026 | URN: CRLMP / 10797U / 2026

1. Harshvardhan Singh Shekhawat S/o Hem Singh Shekhawat, Aged About 22 Years, R/o House No. 84, Vishwanathdham Colony, Niwaru Road, Jhotwara, Jaipur, Rajasthan.
2. Manish Chouhan S/o Prahlad Singh Chouhan, Aged About 19 Years, R/o F-106, Lal Kothi Yojana, Jaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Anshu Kumawat S/o Manohar Lal Kumawat, Aged About 24 Years, R/o Lal Kothi, Near Apex International School, Jyoti Nagar, Jaipur City (South), Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Naveen Joshi for Mr. Satish Khandal
For Respondent(s)	:	Mr. Vivek Choudhary, PP Mr. Abhishek Dadhich for Mr. Gaurav Sharma, for complainant

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

21/08/2026

1. Parties are present in person and they have duly been identified by their respective counsel.

2. By way of this criminal misc. petition under Section 528 of BNSS, the accused-petitioners have approached this Court with a prayer to quash the FIR No.281/2025 registered at Police Station Jyoti Nagar, District Jaipur City (South) for offences punishable under Sections 115(2), 3(5) & 126(2) of the Bharatiya Nyaya Sanhita, (in short ‘BNS’) 2023.

3. Learned counsel for the petitioners submits that during the course of investigation, offence punishable under Section 109(1) of BNS (307 IPC) has also been added on account of the fact that injury on the head of injured Manohar Lal has been found grievous in nature. It is submitted that cross cases were registered between the parties wherein in the FIR registered by the petitioners, negative final report has been submitted by investigating agency on account of the compromise arrived at between the parties. Learned counsel contends that petitioners and complainant are neighbours and in the spur of moment, alleged incident was occurred. It is contended that petitioners are young boys aged about 22 years and 19 years respectively. It is contended that now, parties have been entered into the compromise. The copy of compromise has already been annexed with this petition. 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.

4. Learned Public Prosecutor places on record factual report dated 21.08.2026 received from SHO, Police Station Jyoti Nagar, District Jaipur (South). According to the factual report, dispute has been resolved between the parties amicably. Learned Public Prosecutor submits that since offence punishable under Section 109(1) of the BNS, 2023 (Section 307 of IPC) is a heinous offence therefore, on the basis of compromise, FIR should not be quashed.

5. Learned counsel for the complainant does not dispute the factum of compromise. He submits that petitioners and

complainant are neighbours, therefore, complainant has no objection if the impugned FIR is quashed.

6. Following the analogy expounded by Hon'ble Supreme Court in the case of **Narinder Singh versus State of Punjab** reported in **(2014) 6 SCC 466**, while dealing with the issue to allow the settlement for offence under Section 307 of IPC (Corresponding to Section 109 of BNS), it has been observed that the petition under Section 482 of Cr.P.C (Corresponding to Section 528 of BNSS) may not be refused merely on a ground that the FIR/Charge-sheet incorporate the offence under Section 307 of IPC. The Hon'ble Supreme Court has considered observations made in case of **Dimpey Gujral & Ors. versus 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."*

7. 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 as also considering that parties are neighbours and alleged incident occurred in the spur of moment and further considering the fact that cross cases were registered between the parties wherein in the FIR lodged by petitioners, negative final report has been submitted in view of compromise arrived at between the parties, this Court feels that in order to establish harmony between the parties and give quietus to the litigation, it would be expedient that the impugned FIR is quashed.

8. 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 ***Narinder Singh*** (supra) *and* ***Dimpey Gujral*** (supra), the FIR is liable to be quashed in view of compromise arrived at between the parties.

9. In view of the above, this Criminal Misc. Petition is allowed and the FIR No.281/2025 registered at Police Station Jyoti Nagar, District Jaipur City (South) is hereby quashed and set aside. Consequence to follow.

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

(ANIL KUMAR UPMAN),J

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