

(2021) 01 RAJ CK 0187

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 7473 Of 2019, 1478, 1496, 3436, 4449 Of 2020

Rajesh Kumar Khivsara And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 120B, 406, 417, 418, 419, 420, 467, 468, 471

Citation : (2021) 01 RAJ CK 0187

Hon'ble Judges : Satish Kumar Sharma, J

Bench : Single Bench

Advocate : Shashank Agarwal, J.P. Gupta, V.R. Singh Bajwa, Ramanuj Sharma, R.M. Sharma, Ramesh Chaudhary, Bhupendra Sharma

Final Decision : Dismissed

Judgement

1. These Petitions (CrLMP No.7473/2019) have been filed under Section 482 Cr.P.C. for quashing of FIR No.393/2019, registered at Police Station

Civil Lines, Ajmer for offences under Sections 406, 417, 418, 419, 420, 467, 468, 471, 34 and 120B IPC; (CrLMP No.1478/2020 & 4449/2020) FIR

No.479/2019, registered at Police Station Civil Lines, Ajmer for offences under Sections 420, 406, 467, 468, 471 and 120B IPC; (CrLMP

No.3436/2020) FIR No.75/2020, registered at Police Station Civil Lines, Ajmer for offences under Sections 405, 406, 415, 417, 418, 419, 420 and 120B

IPC on the basis of compromise entered between the parties.

2. Heard learned counsel for the parties and perused the material made available on record.

3. Learned counsel appearing on behalf of both the sides have submitted that impugned FIRs were registered in the dispute of civil nature. Now

compromise has been arrived at between the parties. None of the accused persons have any criminal antecedents. They have amicably settled their dispute. Therefore, proceedings of FIRs No.393/2019, 479/2019 and 75/2020 should be quashed in view of legal position expounded in Gian Singh Vs.

State of Punjab & Another [(2012) 10 SCC 303].

4. Learned Public Prosecutor has opposed the prayer with the submission that FSL report is not in favour of the accused persons.

5. Heard. Considered.

6. As per settled legal position expounded by the Hon'ble Supreme Court in Gian Singh Vs. State of Punjab & Another [(2012) 10 SCC 303] the

criminal proceedings can be quashed under Section 482 CrPC on the basis of compromise where the crime is not of heinous nature and the dispute is private or personal in nature.

7. All aggrieved persons of the above matters and the accused persons have filed written compromise which was got attested by the Registrar

(Judicial) of this court. The impugned FIRs have been registered in personal disputes of civil nature. Hence, in view of the legal position as expounded

by the Hon'ble Supreme Court in Gian Singh Vs. State of Punjab (supra) the impugned FIRs No.393/2019, 479/2019 and 75/2020 registered at Police

Station Civil Lines, Ajmer deserve to be quashed.

8. Resultantly, the petitions are allowed and the impugned FIRs No.393/2019, 479/2019 and 75/2020 are hereby quashed.

SBCrLMP No.1496/2020:

9. This Petition has been filed under Section 482 Cr.P.C. for fair and impartial investigation of FIR No.393/2019, registered at Police Station Civil

Lines, Ajmer for offences under Sections 406, 417, 418, 419, 420, 467, 468, 471, 34 and 120B IPC.

10. In view of the above quashment of impugned FIRs, instant petition has become infructuous. Hence, the same is dismissed accordingly.