

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

S.B. Criminal Miscellaneous (Petition) No. 5707/2020

1. Badal Kulhar S/o Shri Rajesh Kulhar, Aged About 20 Years, R/o Devroad, Police Station Pilani Jhunjhunu.
2. Ajeet Singh S/o Shri Kanwarpal Singh, Aged About 23 Years, R/o Dhakarwala, Police Station Pilani Jhunjhunu.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Pankaj Sharma S/o Shri Vishwanath Sharma, Aged About 43 Years, R/o Behind Sbi Bank, Pilani Road, Ward No. 21, Chirawa Jhunjhunu Raj.

-----Respondents

For Petitioner(s)	:	Mr. Amit Punia.
For Respondent(s)	:	Mr. S.K. Mahla, P.P.
For Complainant	:	Mr. Sanjay Buri.

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

31/03/2021

1. Instant criminal Miscellaneous petition has been filed under Section 482 Cr.P.C. for quashing of the proceedings pending before the Additional Chief Judicial Magistrate, Pilani, Jhunjhunu in Criminal Case No.258/2019 arising out of the FIR No.39/2019 registered at Police Station Surajgarh, Jhunjhunu for the offence under Sections 342, 365 & 394/34 of IPC.
2. Counsel for the petitioners submits that during pendency of the trial the petitioners and the complainant have settled their dispute bay way of compromise and the compromise/application has been filed before the learned trial court. Counsel further submits that the compromise was duly submitted before the

learned trial court who has compounded the offence under Sections 342 of IPC but has left the Sections 365 & 394/34 as the same are non-compoundable. Counsel further submits that the complainant (PW-1) in her statement recorded during trial stated that she failed to identify the accused-petitioners and she has been declared hostile by the learned trial court.

3. Counsel relied upon the judgment passed by the Hon'ble Supreme Court in the matter of **Gian Singh Vs. State of Punjab & Anr.** reported in **2012(10) SCC 303.**

4. Counsel for the respondent no.2 has not disputed the fact of compromise between the parties.

5. Learned Public Prosecutor has opposed the petition.

5. Keeping in view the facts and circumstances of the present case, and the fact that the parties have entered into a compromise and also considering the statement of the complainant (PW-1) recorded during trial, the criminal misc. petition is allowed and the offence under Sections 365 & 394/34 of I.P.C. are compounded and the proceedings pending before the Additional Chief Judicial Magistrate, Pilani, Jhunjhunu in Criminal Case No.258/2019 are hereby quashed.

6. The stay application also stands disposed of.

(INDERJEET SINGH),J