



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1171/2025

1. Bhajan Lal S/o Narayan Ram, Aged About 26 Years, R/o Bachala, Dhorimanna, Barmer,raj.
2. Manohar S/o Bheekha Ram, Aged About 25 Years, R/o Kabooli, Dhorimanna, Barmer,raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Dinesh Kumar S/o Mohan Lal, R/o Dhorimanna, Barmer,raj.

-----Respondents

For Petitioner(s) : Mr. Vikash Vishnoi
For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.
Mr. R.S. Bhati, A.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable
06/03/2025

1. By way of filing this instant Criminal Misc. Petition under Section 528 of BNSS, the petitioner seeks quashing of FIR No. 217/2023 registered at Police Station Dhorimanna, District Barmer, for the offences under Sections 365, 382, 323, and 34 of IPC, along with all proceedings emanating therefrom, on the ground that the parties have amicably settled their disputes.
2. The FIR was lodged by the complainant, Dinesh Kumar, alleging that on 14.08.2023, at around 7 PM, while he was sitting outside his friend's shop, a white Scorpio vehicle with



black tinted windows approached him. An unknown individual signaled him to come near, and upon approaching, the said person pointed a pistol at his temple and forcibly abducted him into the vehicle. Inside the vehicle, two other accused, Bhajanlal and Manohar, were already present. The complainant was taken to a remote location, where he was assaulted and robbed of his gold chain. The accused also threatened him with dire consequences if he reported the matter to the police. Based on these allegations, FIR No. 217/2023 was registered, and an investigation was conducted, resulting in the arrest of one of the accused, while the other remains absconding.

3. Heard learned counsels present for the parties and gone through the material available on record.
4. The factual matrix of the present case reveals that the accused persons acted with criminal intent by abducting the complainant at gunpoint, assaulting him, and robbing him of his possessions. The allegations are serious and backed by medical evidence and witness testimonies. One of the accused, Bhajanlal, is a proclaimed offender, and his repeated evasion of the law further underscores the necessity of a thorough judicial process.
5. Moreover, the investigation has established a prima facie case against the accused under Sections 365, 382, 323, and 34 IPC. The mere fact that the complainant has entered into



a settlement with the accused does not absolve them of their criminal liability, especially when the offences are non-compoundable. Permitting quashing of such cases on the basis of compromise would undermine the very purpose of criminal law and embolden offenders.



6. Section 365 of the IPC criminalizes the act of kidnapping or abducting a person with the intent to wrongfully confine them. The offence is serious in nature as it involves an infringement upon the personal liberty of an individual and poses a threat to their safety. It is a cognizable and non-bailable offence, punishable with imprisonment of up to seven years along with a fine. The gravity of the offence is such that it directly impacts the security and well-being of the victim, making it a non-compoundable offence under Section 320 of the Code of Criminal Procedure (CrPC).
7. Section 382 IPC pertains to cases where theft is committed after making preparations to cause death, hurt, or restraint. This aggravates the offence beyond simple theft under Section 378 IPC, as it involves an element of premeditated violence or coercion. The offence under this section is also cognizable and non-bailable, carrying a punishment of up to ten years along with a fine. Given the severity of this provision, the law does not allow for compromise between the parties.



8. The offences under Sections 365 and 382 IPC fall under the category of non-compoundable offences as per Section 320 CrPC. The rationale behind this classification is to ensure that grave offences affecting public order, personal liberty, and security are not compromised for private settlements. Compounding of such offences would set a dangerous precedent, allowing accused persons to evade justice through monetary settlements or coercive tactics. The Supreme Court, in various judgments, has held that courts should exercise caution while quashing criminal proceedings involving heinous offences, particularly those affecting society at large.

9. In view of the foregoing discussion, this Court finds no merit in the present petition. The offences alleged against the accused are serious in nature, cognizable, and non-compoundable. Allowing the quashing of the FIR No. 217/2023 on the basis of compromise would set an unhealthy precedent and defeat the purpose of criminal justice. Accordingly, the present petition is dismissed.

10. The stay petition is discussion of.

(FARJAND ALI),J

36-Mamta/-