

(2022) 12 JH CK 0022

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 4447 Of 2022

Abdul Shahid Ansari @ Ab. Sahid

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 21-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 142

Indian Penal Code, 1860 — Section 406, 468, 470, 471

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3, 3(1)(g), 3(1)(r)(s), 3(1)(w)/(i), 3(1)(z)

Code Of Criminal Procedure, 1973 — Section 320, 482

Citation : (2022) 12 JH CK 0022

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Vikash Kumar, Ritesh Kumar

Final Decision : Allowed/Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. This petition has been filed for quashing the entire criminal proceeding in connection with Chandil P.S. Case No.251 of 2022 registered for the offence under Sections 468/470/471/406 of the Indian Penal Code and Sections 3(1)(g)/3(1)(r)(s)/3(1)(w)/(i) and Section 3(1)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of the learned District and Additional Sessions Judge-I at Seraikella.

2. Mr. Vikash Kumar, learned counsel for the petitioner submits that there are case and counter case between the petitioner and opposite party no.2 and now good sense has prevailed between them and the matter has been compromised. He submits that joint compromise petition has been filed which is annexed at Annexure-2 of the petition. On these grounds, he submits that there is dispute between two individuals and there is no societal interest involved in the matter and, therefore, entire criminal proceeding may be quashed.

3. Mr. Ritesh Kumar, learned counsel appearing for opposite party no.2 submits that the matter has been compromise between the parties and joint compromise petition has been annexed at Annexure-2 of the petition. He further submits that opposite party no.2 does not want to proceed with the case.

4. In view of the above facts, it transpires that the compromise has reached between the parties. Although the case is filed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in view of the compromise the Court can interfere as recently the Hon'ble Supreme Court has considered the case relates to Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in Ramgopal & Anr. v. The State of Madhya Pradesh, in Criminal Appeal No. 1489 of 2012 along with Criminal Appeal No. 1488 of 2012 and in that case, the compromise has been considered and it has been held that the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in the Hon'ble Supreme Court under Article 142 of the Constitution, can be invoked. For ready reference, para-19 of the said judgment is quoted herein below:-

"19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

5. It is well settled that where the compromise is entered into between the parties and societal interest is not there, the High Court can exercise the power under Section 482 Cr.P.C., even if the Sections are not compoundable.

6. In view of the aforesaid compromise, this Court is inclined to invoke the power conferred under Section 482 Cr.P.C. As such the entire criminal proceeding so far as the petitioner is concerned is, hereby, quashed for the reasons that must be the occurrence involved in this petition can be categorized as purely personal or having overtones of criminal proceedings of private nature; secondly the nature of complaint is with regard to certain money recovered from the petitioner and thirdly the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties.

7. In view of the above facts, reasons, analysis and in view of the fact that the matter has been compromised between the parties, the entire criminal proceeding in connection with Chandil P.S. Case No.251 of 2022, pending in the

court of the learned District and Additional Sessions Judge-I at Seraikella is, hereby, quashed.

8. Accordingly, this petition stands allowed and disposed of.