

**(2023) 05 SHI CK 0222**  
**In the High Court Of Himachal Pradesh**  
**Case No : CR.MMO No. 273 Of 2023**

Akbar Shah Alias Mana

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

**Date of Decision :** 30-05-2023

**Acts Referred:**

Indian Penal Code, 1860 — Section 201, 307, 354, 356, 504, 506  
Code Of Criminal Procedure, 1973 — Section 320, 482

**Citation :** (2023) 05 SHI CK 0222

**Hon'ble Judges :** Jyotsna Rewal Dua, J

**Bench :** Single Bench

**Advocate :** Ashok K. Tyagi, Sanjeev K. Suri, Rupinder Singh Thakur, Navlesh Verma, Seema Sharma, Dhananjay Singh

**Final Decision :** Disposed Of

## Judgement

Jyotsna Rewal Dua, J

1. The petitioner seeks quashing of FIR No.93/2020, dated 19.06.2020, registered under Sections 354, 356, 504, 506 and 201 IPC of the Indian Penal Code (IPC) at Police Station Amb, District Una, H.P. The FIR was registered on the basis of statement made by respondent No.4. She alleged that the petitioner in drunken state had come to her shop and outraged her modesty. Certain other ancillary allegations were also levelled in the FIR.

2. Alongwith the petition, a compromise deed executed between the private parties on 07.01.2023 has been placed on record at Annexure P-2. In terms of this compromise, the petitioner and respondent No.4 have resolved their disputes with each other. The compromise deed records that the complainant, in order to maintain cordial relations, is not interested in pursuing the instant FIR any further and has no objection in case the FIR and consequential judicial proceedings are culminated.

3. The respondent-State has filed the status report. Alongwith the status report,

statement of respondent No.4 has also been placed on record. This statement was made by respondent No.4 before the Police officials on 10. 04.2023. In the said statement, respondent No.4 has admitted to have compromised the matter in question with the petitioner. She has also expressed her no objection for quashing of the FIR and for setting aside of judicial proceedings. She has categorically stated therein that she is not interested in pursuing the FIR and consequent judicial proceedings. This statement of respondent No.4 has been reiterated by her learned counsel during hearing of the case today. Learned counsel for respondent No.4 submits that he is under instructions to state that respondent No.4 has no objection for quashing of the FIR and for setting aside the judicial proceedings.

4. The petitioner has attended today's hearing. He was duly identified by his learned counsel. In his statement recorded today, the petitioner has stood by the averments made in the compromise deed dated 07.01.2023 (Annexure P-2). In terms of the said compromise, respondent No.4 does not want to pursue the matter any further. Respondent No.4 has not been able to attend the hearing on account of the fact that she is mother of six minor children. However, as noticed earlier, statement of respondent No.4 has been recorded by the police officials. Her learned counsel has also reiterated that very version.

5. The law laid down in respect of exercise of powers under Section 482 of the Code of Criminal Procedure for quashing or for refusing to quash the FIR and resultant proceedings on the basis of compromise effected by the parties laid down in (2012) 10 SCC 303, titled *Gian Singh vs. State of Punjab*; (2014) 6 SCC 466, titled *Narinder Singh vs. State of Punjab*; (2017) 9 SCC 641, titled as *Parbatbhai Aahir vs. State of Gujarat*, has been noticed again by Hon'ble Apex Court in (2019) 5 SCC 688, titled *State of Madhya Pradesh vs. Laxmi Narayan*, with following observations:-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2 Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 Similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on

the basis of compromise between the victim and the offender;

15.4 Offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/ compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise.”

6. The FIR in question has been registered under Sections 354, 356, 504, 506 and 201 IPC. The offences involved in the FIR do not fall in the prohibited category in terms of the legal position settled by the Hon'ble Apex Court in various pronouncements. Learned Additional Advocate General submits that in view of the compromise, respondents No.1 to 3 have no objection to quashing of FIR and consequent criminal proceedings.

7. Since the parties have amicably settled the matter amongst themselves, therefore, no purpose will be served by keeping the litigation alive. Continuation of the FIR and consequential criminal proceedings would not advance the cause of justice when the complainant is not interested in pursuing the matter any further. The chances of conviction of the petitioner would be very very remote.

Hence, interest of justice requires that the FIR and consequential criminal

proceedings be quashed.

Consequently, the present petition is allowed. FIR No.93/2020, dated 19.06.2020, registered under Sections 354, 356, 504, 506 and 201 IPC at Police Station Amb, District Una, H.P. is quashed and consequential proceedings, if any, are set aside.

The petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.