
(2015) 09 SHI CK 0055
In the High Court Of Himachal Pradesh
Case No : Criminal MMO No. 160 of 2015

Amarjeet Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 09-09-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 354, 452, 504, 506

Citation : (2015) 09 SHI CK 0055

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : Rahul Jaswal and Sunny Modgil, for the Appellant; Vivek Singh Attri, Dy. A.G., Advocates for the Respondent

Final Decision : Allowed

Judgement

Sureshwar Thakur, J—This petition has been filed at the instance of the petitioner-accused under Section 482 of the Cr.P.C., for the quashing of FIR No. 22 of 2013 of 07.06.2013 registered at Police Station Kheiri, District Chamba, Himachal Pradesh wherein the petitioner herein is alleged to have committed offences punishable under Sections 452, 354, 504 and 506 of the Indian Penal Code. Besides a prayer has been made therein that consequential criminal proceedings launched against the petitioner/accused be also quashed.

2. During the pendency of the petition before this Court, the respondent/complainant has in her statement recorded on oath, before this Court duly reduced into writing and signatured by her, disclosed therein in tandem with the compromise entered inter se her and the accused/petitioner, that she has amicably settled the dispute with the petitioner herein. She has proceeded to record in her statement on oath, duly reduced into writing and signatured by her that she has no objection in case the instant petition preferred by the petitioner before this Court for quashing of FIR No. 22 of 2013 of 07.06.2013 registered at Police Station Kheiri, District Chamba, Himachal Pradesh is accepted. Given the

statement of the respondent/complainant and given the compromise arrived at inter se the petitioner/accused and the complainant/respondent No. 2, this Court accepts the instant petition. Even though some of the offences constituted in the FIR are non-compoundable, however, in the light of the verdict of the Hon"ble Apex Court reported in Narinder Singh and Others Vs. State of Punjab and Another, (2014) AIRSCW 2065 : (2014) CriLJ 2436 : (2014) 4 JT 573 : (2014) 4 SCALE 195 : (2014) 6 SCC 466 , the relevant paragraph 11 whereof is extracted hereinafter, permitting this Court to quash an FIR and consequential proceedings launched thereto even when some of the offences recorded therein are non compoundable, especially to prevent abuse of process of Court or to secure the ends of justice, besides when in the face of a settlement arrived at inter se the accused and the respondents/complainants, the chances of the accused suffering conviction are rendered remote as well as bleak. Paragraph No. 11 of the aforesaid judgment reads as under:--

"11. As to under what circumstances the criminal proceedings in a non compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines: (Gian Singh Vs. State of Punjab and Another, (2012) 9 JT 457 : (2012) 9 JT 426 : (2012) 9 SCALE 257 : (2012) 10 SCC 303):--

"58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put on an end and peace is resorted; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by the public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions of the offences arising out of matrimony, particularly relating to dowry, etc., or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being

convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.""

Consequently, with the settlement arrived at inter se the petitioner herein and the respondent/complainant comprised in Annexure P-2, constrains, it to hence conclude that even if some of the offences constituted in the FIR are non compoundable yet to secure the ends of justice besides to preclude the petitioner/accused being subjected to the harassment and humiliation of facing trial even when the respondent/complainant has portrayed in the compromise deed, besides in her statement on oath, duly reduced into writing and signed by her, to not proceed to prosecute the accused/petitioner herein, the compromise/settlement arrived at inter se the complainant/respondent and the petitioner, necessitates reverence by this Court. Moreover, what further prods this Court to revert the settlement arrived at inter se the petitioner and the complainant/respondent, is comprised in the fact that with the respondent/complainant being uninterested in prosecuting the accused, resultantly then when the chances of the petitioner/accused suffering conviction are rendered bleak/remote, which remoteness and bleakness of the petitioner/accused suffering conviction when has been in the relevant paragraph 11 of the verdict of the Hon''ble Apex Court enunciated to be a relevant and guiding parameter for accepting the settlement arrived at inter se the petitioner/accused and the respondent/complainant, even when some of the offences are non compoundable, as in this case. Resultantly, when the said parameter standing expostulation in relevant paragraph 11 of the judgment of the Hon''ble Apex Court which stand extracted hereinabove has come to be for the reasons aforesaid satiated, satiation thereof prods this Court to accept the settlement arrived at inter se the petitioner and the respondent/complainant. Consequently, the petition is allowed and FIR No. 22 of 2013 of 07.06.2013 registered at Police Station Kheiri, District Chamba, Himachal Pradesh wherein the petitioner herein is alleged to have committed offences punishable under Sections 452, 354, 504, 506 of the Indian Penal Code, is quashed. In sequel, the consequential criminal proceedings arising therefrom are also quashed and set aside. All the pending applications also stand disposed of.