

(2023) 05 SHI CK 0173
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 207 Of 2023

Dinesh Kumar And Anr

APPELLANT

Vs

State Of H.P. And Anr

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 380, 457
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2023) 05 SHI CK 0173

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Ankita, H.S. Rawat, Vishal Verma

Final Decision : Allowed

Judgement

Satyen Vaidya, J

1. Petitioners, present in the Court today, have prayed for quashing of FIR No. 85 of 2019, dated 25.08.2019, registered at Police Station Chopal, District Shimla H.P., under Sections 457, 380 and 34 of the Indian Penal Code alongwith consequent criminal proceedings arising therefrom, on the basis of compromise, Annexure P-2.

2. It is submitted in the petition that the petitioners and respondent No. 2 hail from the same area and were known to each other. After registration of the FIR against petitioners, the matter has been settled between petitioners and respondent No. 2 with the intervention of respectable people of the area and the family members of both the sides. The settlement has been drawn, vide Annexure P- 2 with a purpose to put an end to the dispute and to live in peace.

3. Respondent No. 2/complainant is present in the Court today and is duly identified by Mr. Vishal Verma, Advocate. Her statement has been recorded on oath. Respondent No. 2 has stated that she was running a shop at Village Khagna, Tehsil Chopal, District Shimla, H.P. On the intervening night of

24/25.08.2019, a theft had taken place in her shop. Certain articles were found missing which included packets of biscuits, ladies suits, packets of bidis, toffees and coins worth Rs. 200/- approximately. She suspected the petitioners as perpetrator of the offence. Accordingly, the matter was reported to the police. Later, the petitioners came forward and compensated her for the loss. Petitioners also belong to the same area and thus respectable persons of the area intervened and matter was settled. According to respondent No. 2, she entered into a compromise voluntarily and now in view of the compromise, she does not want to prosecute the petitioners.

4. Except in the cases involving heinous offence, this Court in exercise of inherent jurisdiction under Section 482 of Cr.P.C. is empowered to quash criminal proceedings involving even non-compoundable offences provided it appears to serve the ends of justice or to prevent the abuse of process of Court.

5. In the case in hand, the offences involved under Sections 457, 380 and 34 of the Indian Penal Code, the dispute between the parties is more or less private in nature.

6. The prayer made in the petition, if allowed, will not harm or prejudice the interest of society as a whole. Certain eatables and clothes were alleged to have been stolen. Petitioners have also come forward with remorse on the basis of which respondent No. 2 has entered into a compromise with them. They intend to live in peace in future and that is the reason for amicable resolution to the dispute at their end.

7. Viewed from another angle, in view of the stand now taken by complainant, there are no chances of success of prosecution case against petitioners and hence, the continuation of criminal proceedings against them will clearly be abuse of process of Court.

8. In light of above discussion, the instant petition is allowed. FIR No. 85 of 2019, dated 25. 08.2019, registered at Police Station Chopal, District Shimla H.P., under Sections 457, 380 and 34 of the Indian Penal Code alongwith consequent criminal proceedings arising therefrom, are ordered to be quashed.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.