

(2024) 05 SHI CK 0123
In the High Court Of Himachal Pradesh
Case No : CR. MMO No.345 Of 2024

Gopal Rawat

APPELLANT

Vs

State Of Himachal Pradesh And Anr

RESPONDENT

Date of Decision : 27-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 419, 468, 500

Citation : (2024) 05 SHI CK 0123

Hon'ble Judges : Bipin Chander Negi, J

Bench : Single Bench

Advocate : Ganesh Barowalia, B.N. Sharma, Devyani Sharma, Shivam Sharma

Final Decision : Disposed Of

Judgement

Bipin Chander Negi, J

1. By way of instant petition filed under Section 482 of the Code of Criminal Procedure, a prayer has been made on behalf of the petitioner for quashing of FIR No. 70/2023 dated 22.07.2023 under Sections 419, 468 and 500 of the Indian Penal Code registered at Police Station Padhar, District Mandi, H.P, as well as consequent proceedings arising out of the same.

2. The averments contained in the petition, which is duly supported by an affidavit reveals that on 22.07.2023 complainant/respondent No.2 had got a FIR registered against the present petitioner under Sections 419, 468 and 500 of the Indian Penal Code. However, during the pendency of proceedings the dispute inter se parties has been settled amicably vide compromise dated 25.04.2024, copy whereof is appended along with the present petition as Annexure P2.

3. Statement of complainant/respondent No.2 stands recorded. He has categorically stated that he has entered into compromise of his own free will, volition and without any pressure. According to the complainant/respondent No.2, the dispute inter se parties stands amicably settled between the parties.

4. I have heard learned counsel for the parties and perused the record carefully.
5. This Court sees no impediment in quashing the FIR in issue, as the dispute inter se the parties stand amicably resolved.
6. From a perusal of Section 320 of the Code of Criminal Procedure, it is evident that in so far as Sections 419 and 500 of the Indian Penal Code are concerned, the same are compoundable. However, Section 468 of the IPC is not compoundable.
7. In this respect, attention of this Court has been drawn to case titled Narinder Singh and others vs. State of Punjab and another reported as (2014) 6 Supreme Court Cases, 466, wherein the Apex Court has categorically laid down that the High Court has inherent power to quash the criminal proceedings even in those cases, which are not compoundable, where the parties have amicably settled the matter inter se them. However, this power is to be exercised sparingly and with caution, in cases where settlement is arrived at. The guiding factors being securing the ends of justice or to prevent an abuse of the process of any Court.
8. In view of the fact that the parties have entered into compromise permitting the proceedings in pursuance to the aforesaid FIR sought to be quashed to continue would only result into an abuse of process and the same would not secure the ends of justice.
9. Accordingly, the petition is allowed. FIR No. 70/2023 dated 22. 07.2023 under Sections 419, 468 and 500 of the Indian Penal Code registered at Police Station Padhar, District Mandi, H.P, as well as consequent proceedings arising out of the same are also quashed.
10. The petition stands disposed of in the above terms, so also the pending application(s), if any.