

(2023) 08 SHI CK 0105
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 522 Of 2023

Himanshu Chaudhary

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 19-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 279, 337, 338
Motor Vehicles Act, 1988 — Section 181, 187, 196

Citation : (2023) 08 SHI CK 0105

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Vinod Chauhan, B.N. Sharma, Devender K. Sharma

Final Decision : Disposed Of

Judgement

Sushil Kukreja, J

1. The accused (petitioner herein), after compromising the matter with complainant/respondent No. 3 and injured/respondent No. 2, has come up before this Court under Section 482 Cr.P.C., by invoking inherent powers of this Court, seeking quashing of FIR No. 288 of 2016, dated 11.09.2016, under Sections 279 and 337 of Indian Penal Code (for short 'IPC') and Sections 187 and 196 of the Motor Vehicles Act (for short 'the MV Act'), registered at Police Station Paonta Sahib, District Sirmaur, H.P..

2. The present FIR was lodged by the complainant/respondent No. 3, Shri Jaswinder Singh, on the allegations that Shri Ranjeet Singh (respondent No. 2 herein), got injured in the accident. Both respondents No. 2 and 3 are duly represented and identified by Mr. Devender K. Sharma, Advocate.

3. Today, injured/respondent No. 2 and complainant/respondent No. 3 as well as the petitioner-accused are present in person before this Court and the statements of injured/respondent No. 2 and complainant/respondent No. 3 have

been separately recorded and placed on the file.

4. In his statement, injured/respondent No. 2 stated that on the basis of a complaint made by complainant/respondent No.3, FIR No. 288 of 2016, dated 11.09.2016, under Sections 279, 337 and 338 IPC and Sections 187 and 196 of the MV Act was registered against the accused-petitioner at Police Station Paonta Sahib, District Sirmaur, H.P.. He has further stated that now, with the intervention of the respectable persons of the society and in order to maintain cordial relations in future, he has entered into a compromise with the petitioner, vide compromise, Annexure P-2. He has also stated that in view of the compromise, he has no objection, in case the aforesaid FIR and the consequent proceedings, arising out of the said FIR, pending before the learned Judicial Magistrate First Class, Court No. 2, Paonta Sahib, District Sirmaur, H.P., are quashed and set-aside.

5. Similarly, complainant-respondent No. 3, Shri Jaswindner Singh, in his statement stated that on the basis of his complaint, FIR No. 288 of 2016, dated 11.09.2016, under Sections 279, 337 and 338 IPC and Sections 187 and 196 of MV Act was registered against the petitioner-accused at Police Station Paonta Sahib, District Sirmaur, H.P.. He has further stated that now with the intervention of the respectable persons of the society and in order to maintain cordial relations in future, he has entered into a compromise with the petitioner, vide compromise, Annexure P-2. He has also stated that in view of the compromise, he has no objection in case the aforesaid FIR and the consequent proceedings arising out of the said FIR, pending before the Court of learned Judicial Magistrate First Class, Court No. 2, Paonta Sahib, District Sirmaur, H.P., are quashed and set-aside.

6. I have heard learned counsel for the petitioner, learned Additional Advocate General for respondent No.1/State as well as the learned counsel for respondents No. 2 and 3 and also gone through the material available on record.

7. In *Gian Singh Vs. State of Punjab and others*, reported in (2012) 10 SCC 303, explaining that High Court has inherent power under Section 482 of the Code of Criminal Procedure with no statutory limitation, including Section 320 Cr.PC, the Hon'ble Apex Court has held that these powers are to be exercised to secure the ends of justice or to prevent abuse of process of any Court and these powers can be exercised to quash criminal proceedings or complaint or FIR in appropriate cases where offender and victim have settled their dispute and for that purpose no definite category of offence can be prescribed. However, it is also observed that Courts must have due regard to nature and gravity of the crime and criminal proceedings in heinous and serious offences or offences like murder, rape and dacoity etc. should not be quashed despite victim or victim's family have settled the dispute with offender. Jurisdiction vested in High Court under Section 482 Cr.PC is held to be exercisable for quashing criminal proceedings in cases having overwhelming and predominately civil flavour particularly offences arising from commercial, financial, mercantile, civil partnership, or such like transactions, or

even offences arising out of matrimony relating to dowry etc., family disputes or other such disputes where wrong is basically private or personal nature where parties mutually resolve their dispute amicably. It was also held that no category or cases for this purpose could be prescribed and each case has to be dealt with on its own merit but it is also clarified that this power does not extend to crimes against society.

8. Further, the Apex Court in *Parbatbhai Aahir alias Parbathbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and another*, (2017) 9 SCC 641, summarizing the broad principles regarding inherent powers of the High Court under Section 482 Cr.PC. has recognized that these powers are not inhibited by provisions of Section 320 Cr.PC.

9. In case *Narinder Singh and others vs. State of Punjab and others*, reported in (2014) 6 SCC 466 and also in *State of Madhya Pradesh vs. Laxmi Narayan and others*, (2019) 5 SCC 688, the Hon'ble Supreme Court has summed up and laid down principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercise its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with criminal proceedings.

10. In *Madan Mohan Abbot vs. State of Punjab*, (2008) 4 SCC 582, the Hon'ble Supreme Court emphasized and advised that in the matter of compromise in criminal proceedings, keeping in view the nature of the case, to save the time of the Court for utilizing to decide more effective and meaningful litigation, a common sense approach, based on ground of realities and bereft of the technicalities of law, should be applied.

11. In similar circumstances a Co-ordinate Bench of this Court in Cr.MMO No. 563 of 2019 alongwith Cr. Revision No. 39 of 2012, titled as *Anoop Gupta vs. Vandana & another*, decided on 22.10.2019, had quashed the FIR registered under Sections 279 and 337 IPC and Sections 181 and 187 of the Motor Vehicles Act on the basis of compromise.

12. In the instant case, it is not disputed that the parties have reached a settlement and on that basis have preferred the present proceedings seeking quashment of the FIR. Once injured/respondent No. 2, who is the victim and the worst affected person on account of this accident does not want to hold the petitioner responsible, the quashing of such FIR would definitely be to secure the ends of justice and to prevent abuse of process of the Court. The facts of this case otherwise do not in any manner fall within the exceptions laid down by the Hon'ble Supreme Court where compromise cannot be entered into or the proceedings cannot be quashed. Moreover, the Hon'ble Apex Court in the judgments supra, has observed that power under Section 482 Cr.P.C. is not to be exercised in those cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc.. In the present case,

complainant as well as the injured are not interested in pursuing the criminal case against the petitioner and want to maintain cordial relations with one another to live their lives peacefully, as such no fruitful purpose would be served in continuing with the criminal proceedings against the petitioner/accused.

13. Hence, considering the facts and the circumstances of the case in entirety, I am of the opinion that the present petition deserves to be allowed for securing the ends of justice and, therefore, the same is allowed. Accordingly, FIR No. 288 of 2016, dated 11.09.2016, under Sections 279, 337 and 338 of IPC and Sections 187 and 196 of the MV Act, registered against the petitioner-accused at Police Station Paonta Sahib, District Sirmaur, H.P., and the consequent proceedings arising out of the said FIR, pending before the Court of learned Judicial Magistrate First Class, Court No. 2, Solan, Paonta Sahib, District Sirmaur, H.P., are ordered to be quashed and set-aside.

14. Petition stands disposed of in above terms, so also the pending application(s), if any.