
(2021) 02 UK CK 0004

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 145 Of 2021, Compounding Application (IA No. 2 Of 2021)

Jokhe Bhagra

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 120B, 420

Citation : (2021) 02 UK CK 0004

Hon'ble Judges : R.C. Khulbe, J

Bench : Single Bench

Advocate : Bhuwan Bhatt, J.S. Virk, Sachin Panwar, Hemant Pant

Final Decision : Disposed Of

Judgement

R.C. Khulbe, J

1. This criminal misc. application under Section 482 Cr.P.C. has been filed by the applicant to quash the charge sheet dated 09.04.2018, summoning

order dated 11.04.2018 and the entire proceedings of Criminal Case No. 1864 of 2018, â??State vs. Vikram Singhaâ? for the offences punishable

under Section 420 and 120-B IPC pending before IVth Additional Civil Judge/ (S.D.)/ A.C.J.M., Dehradun.

2. The parties have filed the above-numbered compounding application to show that the parties have buried their differences and have settled their disputes amicably.

3. It is contended by learned counsel for the State that the offence punishable under Section 420 and 120-B are compoundable offences.

4. Thus, the High Court, in exercise of its inherent power can quash criminal

proceedings or FIR or complaint and Section 320 of Cr.P.C. does not limit or affect the powers under Section 482 of the Code of Criminal Procedure, 1973.

5. The Honâ??ble Supreme Court has permitted compounding of such offences in the decision of Nikhil Merchant v. CBI and another, (2008) 9 SCC 650.

6. Learned counsel for the parties also drew the attention of this Court towards the citation of Gian Singh v. State of Punjab and another, (2013) 1

SCC (Cri) 160 , in which Honâ??ble Supreme Court observed as below:-

â??The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or

FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences

under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline

engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the

criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and

circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the

nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly

quashed even though the victim or victimâ??s family and the offender have settled the dispute. Such offences are not private in nature and have

serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention

of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal

proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the

purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the

offences arising out of matrimony relating to dowry, etc. or the family disputes

where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.â??

7. The instant case is squarely covered by the above ruling of the Honâ??ble Supreme Court. The obvious reply to the question posed above is in the affirmative in view of the ruling of Honâ??ble Apex Court in Gian Singhâ??s case (supra).

8. Today parties are present before this Court and they are duly identified by their respective counsels.

9. Accordingly, compounding application is allowed. The entire proceedings, mentioned hereinabove, pending between the parties are hereby quashed qua the present applicant on the basis of compromise arrived at between the parties.

10. The present C-482 application stands disposed of, as above.

11. Pending application, if any, also stand disposed of accordingly.