
(2023) 04 SHI CK 0045
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 219 Of 2023

Madan Lal	Vs	APPELLANT
State Of Himachal Pradesh And Another		RESPONDENT

Date of Decision : 06-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 341, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s)

Citation : (2023) 04 SHI CK 0045

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Ajay Singh Kashyap, Anoop Rattan, Rajan Kahol, B.C. Verma, Rahul Thakur, Ravi Chauhan, Rajul Chauhan

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under S.482 CrPC, prayer has been made on behalf of the petitioner for quashing of FIR No.63, dated 13.4.2021 under Ss. 341 and 506 IPC and S.3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Theog, District Shimla, Himachal Pradesh alongwith consequential proceedings, if any, pending in the competent court of law, on the basis of compromise arrived inter se parties.

2. Precisely, the facts of the case, as emerge from the record, are that the FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2/complainant, who alleged that on 11.4.2021, at 2.00 pm, while he was going to his house, petitioner not only obstructed his path but also extended threats. Complainant also alleged that while extending threats, accused used castiest remarks, as such, prayed for appropriate legal action against the petitioner.

3. Though, after completion of investigation, police has presented Challan in the competent court of law, but before the same could be taken to its logical end, parties have entered into compromise, whereby they have resolved to settle the matter inter se them amicably. In the aforesaid background, petitioner has approached this court in the instant proceedings, praying therein for quashing of FIR alongwith consequential proceedings pending in the competent court of law.

4. Pursuant to order dated 20.3..2023, respondent-State has fled status report under the signatures of Station House Officer, Police Station Theog and ASI Parkash Chand, has also come present with record/status report. In the status report factum with regard to compromise arrived inter se parties has been duly acknowledged.

5. Besides above, complainant Roop Singh, has come present in the court and is duly represented by Mr. Rajul Chauhan, Advocate. Roop Singh states on oath that he of his own volition and without there being any external pressure has entered into compromise with the petitioner whereby they have resolved to settle the dispute inter se them amicably. He states that the FIR is the result of misunderstanding and petitioner has tendered apology for his behaviour and undertaken not to repeat such acts in future, as such, he shall have no objection in case prayer made by the petitioner for quashing of FIR alongwith consequential proceedings, is accepted and the accused is acquitted of the charges framed against him. While admitting contents of the compromise to be correct, he also admits his signatures thereupon. His statement is taken on record.

6. Learned Additional Advocate General, after hearing the statement of respondent No.2, states that though the petitioner has committed a serious offence, but keeping in view the compromise arrived inter se parties, chances of conviction of the petitioner are remote and bleak, as such, respondent-State shall have no objection in case prayer made on behalf of the petitioner for quashment of FIR alongwith consequential proceedings is allowed.

7. The question which now needs consideration is whether FIR's in question can be ordered to be quashed when Hon'ble Apex Court in Narinder Singh and others versus State of Punjab and another (2014)6 SCC 466 has specifically held that power under S. 482 CrPC is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society.

8. At this stage, it would be relevant to take note of the judgment passed by Hon'ble Apex Court in Narinder Singh (supra), whereby the Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred to above clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that power

conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash criminal proceedings even in those cases which are not compoundable and where the parties have settled the matter between themselves, however, this power is to be exercised sparingly and with great caution. In para Nos. 29 to 29.7 of the judgment Hon'ble Apex Court has laid down certain parameters to be followed, while compounding offences.

9. Careful perusal of para 29.3 of the judgment suggests that such a power is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Apart from this, offences committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly arising out of commercial transactions or arising out of matrimonial relationship or family disputes may be quashed when the parties have resolved their entire disputes among themselves. Aforesaid view taken by Hon'ble Apex Court has been further reiterated in *Gian Singh v. State of Punjab* and anr. (2012) 10 SCC 303.

10. The Hon'ble Apex Court in case *Gian Singh* supra has held that power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent power is distinct and different from the power of a Criminal Court for compounding offences under Section 320 Cr.PC. Even in the judgment passed in *Narinder Singh's* case, the Hon'ble Apex Court has held that while exercising inherent power of quashment under Section 482 Cr.PC the Court must have due regard to the nature and gravity of the crime and its social impact and it cautioned the Courts not to exercise the power for quashing proceedings in heinous and serious offences of mental depravity, murder, rape, dacoity etc. However subsequently, the Hon'ble Apex Court in *Dimpey Gujral and Ors. vs. Union Territory through Administrator, UT, Chandigarh and Ors.* (2013) 11 SCC 497 has further reiterated that continuation of criminal proceedings would tantamount to abuse of process of law because the alleged offences are not heinous offences showing extreme depravity nor are they against the society. Hon'ble Apex Court further observed that when offences of a personal nature, burying them would bring about peace and amity between the two sides.

11. Hon'ble Apex Court in its judgment dated 4th October, 2017, titled as *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and Another*, passed in Criminal Appeal No.1723 of 2017 arising out of SLP(Crl) No.9549 of 2016, reiterated the principles/ parameters laid down in *Narinder Singh's* case supra for accepting the settlement and quashing the proceedings.

12. In the case at hand, offences alleged to have been committed by the petitioner though are petty offences and moreover the complainant has compromised the matter with the petitioner and he is no more interested in pursuing the criminal proceedings against the petitioner, as such, there are bleak and remote chances of conviction of accused and no fruitful purpose shall be achieved by continuing with criminal prosecution against the petitioner, as such, this court sees no impediment in accepting the prayer made on behalf of the petitioner for quashing of FIR.

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.63, dated 13.4.2021 under Ss. 341 and 506 IPC and S.3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Theog, District Shimla, Himachal Pradesh alongwith consequential proceedings, if any, pending in the competent court of law are quashed and set aside and the petitioner is acquitted of the charges framed against him.

14. The petition stands disposed of in the aforesaid terms, alongwith all pending applications.

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