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(2015) 02 RAJ CK 0190

In the Rajasthan High Court

Case No : Criminal Misc. Petition No. 2296 of 2014

Mahipal Singh and Others — APPELLANT

Vs

State of Rajasthan and Others — RESPONDENT

Date of Decision : 11-02-2015

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 320, 323, 341
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)(X)

Citation : (2015) 2 WLN 316

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : R.S. Chundawat, for the Appellant; R.K. Bohra, Advocates for the Respondent

Final Decision : Allowed

Judgement

Vijay Bishnoi, J.—This Criminal Misc. Petition under Sec, 482 Cr.P.C. has been filed by the petitioners with a prayer for quashing the FIR No. 179/2014 dt. 06.07.2014 of Police Station, Kankroli, District Rajsamand for the offences punishable under Sees. 341, 323 IPC and Section 3(1)(X) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 on the basis of compromise arrived at between the parties. This Court on 29.09.2014, while issuing notice has directed the parties to appear before the Investigating Officer and submit the compromise document.

2. Pursuant to the direction given by this Court on 29.09.2014, the petitioners and the respondent No. 2 have appeared before the Investigating Officer and submitted the compromise deed. The said compromise deed has already been verified by the Dy. Superintendent of Police, Circle Sajsamandy District Rajsamand. The factual report of this effect has been received through. fax by the learned Public Prosecutor on 28.01.2015.

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3. Learned counsel for the petitioners as well as learned counsel for the respondent No. 2 have submitted that as the dispute between the petitioners. and the respondent No. 2 has already been resolved amicably, the impugned, FIR may kindly be quashed.

4. Heard learned counsel for the parties as well as the learned Public Prosecutor and perused the material available on record.

5. It is not in dispute that some quarrel took place between the petitioners, and the respondent No. 2 on 06.07.2014 and in relation to that, both the '' parties have filed separate FIRs at Police Station,- Kankroli, District Rajsamand. The dispute has already, been settled amicably "and the same, has-been verified by the Investigating Officer.

6. Today, also the respondent No. 2, present in person and has been identified by his counsel, has categorically stated that the dispute between him and the petitioners was of minor nature and the same has now been amicably resolved and, therefore, he does not want to press the charges levelled in the impugned FIR against the petitioners.

7. The Hon''ble Apex Court while answering a reference in the case of Gian Singh Vs. State of Punjab and Another, (2012) 9 JT 457 : (2012) 9 JT 426 : (2012) 9 SCALE 257 : (2012) 10 SCC 303 , has held as below:--

"57. 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 Sec. 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 victim''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-dominatingly civil flavour 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

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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."

8. Having considered the facts and circumstances of the case and looking to the fact that the dispute between the parties has already been settled amicably and the respondent No. 2 does not want to press the allegations levelled in the impugned FIR, it is a fit case wherein the FIR can be quashed. In view of the law laid down by the Hon''ble Supreme Court in Gian Singh''s case (supra) and in the facts and circumstances as noted above, this Criminal Misc. Petition is allowed and the FIR No. 179/2014 dt. 06.07.2014 of Police Station, Kankroli, District Rajsamand for the offences punishable under Sees. 341, 323 IPC and Section 3(1)(X) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is hereby quashed.

Stay petition is disposed of.

The factual report received through fax on 28.01.2015, be taken on record.

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