

(2023) 08 SHI CK 0019
In the High Court Of Himachal Pradesh
Case No : CR.MMO NO. 638 Of 2023

Manohar Lal & Others

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 03-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 34, 323, 452, 504, 506

Citation : (2023) 08 SHI CK 0019

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Vijender Katoch, B.N. Sharma, Khem Raj

Final Decision : Disposed Of

Judgement

Sushil Kukreja, J

1. The accused persons (petitioners herein), after compromising the matter with complainant/respondent No.2 and respondents No. 3 & 4, have come up before this Court under Section 482 Cr.P.C., by invoking inherent powers of this Court, seeking quashing of FIR No. 95 of 2021, dated 18.06.2021, under Sections 452, 323, 504, 506 and 34 of Indian Penal Code, registered at Police Station Indora, District Kangra, H.P.

2. The present FIR was lodged by Complainant-respondent No. 2, Smt. Sumna Devi, who is duly represented and identified by Mr. Khem Raj, Advocate.

3. Today, complainant/respondent No.2, respondents No. 3 and 4 (injured) as well as the petitioners-accused are present in person before this Court and the statements of complainant/respondent No. 2 and respondents No. 3 and 4 (injured) have been separately recorded and placed on the file.

4. In her statement, complainant/respondent No.2 stated that on her complaint FIR No. 95 of 2021, dated 18. 06.2021, under Sections 452, 323, 504, 506 and

34 IPC was registered against the petitioners at Police Station Indora, District Kangra, H.P.. She has further stated that now with the intervention of respectable persons of the area, the matter has been amicably settled between the parties, vide Compromise Deed, Annexure P-4. She has also stated that she has no objection in case the aforesaid FIR as well as the consequent proceedings arising out of the said FIR, pending before the learned Judicial Magistrate First Class, Indora, District Kangra, H.P., are quashed and set-aside.

5. Respondents No. 3 and 4 (injured), daughter and husband of complainant/respondent No. 2, respectively, in one voice stated that on the basis of complaint of Smt. Sumna Devi (complainant), FIR No. 95 of 2021, dated 18. 06.2021, under Sections 452, 323, 504, 506 and 34 IPC was registered against the petitioners at Police Station Indora, District Kangra, H.P.. They have further stated that now with the intervention of the respectable persons of the area, the matter has been amicably settled between the parties, vide Compromise Deed, Annexure P-4. They have also stated that they have no objection in case the aforesaid FIR as well as the consequent proceedings, arising out of the said FIR, pending before the learned Judicial Magistrate First Class, Indora, District Kangra, H.P., are quashed and set-aside.

6. I have heard learned counsel for the petitioners, learned Additional Advocate General for respondent No.1/State as well as the learned counsel for respondents No. 2 to 4 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 Parbhathbhai 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 the instant case, since the matter has been amicably settled between the parties, therefore, keeping in view the nature of the offence, I am of the considered view that no fruitful purpose will be served to continue the proceedings against petitioners/accused, as continuation of the proceedings will be an exercise in futility. The justice in the case demands that the dispute between the parties is put to an end and peace is restored in order to maintain harmonious relations/atmosphere between them.

12. 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. 95 of 2021, dated 18.06.2021, under Sections 452, 323, 504, 506 and 34 IPC, registered against the petitioners-accused, at Police Station Indora, District Kangra, H.P., and the consequent proceedings arising out of the said FIR, pending before the Court of learned Judicial Magistrate First Class, Indora, District Kangra, H.P., are ordered to be quashed and set-aside.

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