

(2017) 08 RAJ CK 0057
In the Rajasthan High Court
Case No : 4474 of 2017

Neeraj Kumar Gaur son of Shri Dinesh Kumar Gaur	APPELLANT
Vs	
State of Rajasthan Through P.P.	RESPONDENT

Date of Decision : 23-08-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Indian Penal Code, 1860](#), [Section 498A](#)/
[Section 406](#) - Husba

Citation : (2017) 08 RAJ CK 0057

Hon'ble Judges : Sabina

Bench : SINGLE BENCH

Advocate : Harendra Singh Sinsinwar, R.R. Gurjar, Madan Lal Jat

Final Decision : Allowed

Judgement

1. Petitioner has filed this petition under Section 482 Code of Criminal Procedure, 1973 seeking quashing of the First Information Report No. 239/2015 registered at Police Station Virat Nagar for offence under Sections 498A / 406 of Indian Penal Code, 1860 on the basis of compromise.
2. Learned counsel for the petitioner and respondent No.2 have submitted that parties have amicably settled their dispute. Compromise effected between the parties was produced before the Trial Court. Trial Court vide order dated 15.07.2017, accepted the compromise with regard to offence under Section 406 of Indian Penal Code, 1860 but is proceeding with the trial qua

offence under Section 498-A of Indian Penal Code, 1860 as it is not compoundable.

3. Respondent No. 2 is present in person and has admitted the factum of compromise between the parties and has stated that she has no objection if the F.I.R. in question is ordered to be quashed. She has admitted the genuineness of compromise deed Annexure-2.

4. In (2012) 10 Supreme Court Cases 303, Gian Singh Vs. State of Punjab and Another, it has been held by Hon''ble Supreme Court as under:-

"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 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- dominantly 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 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."

5. Since, the parties have amicably settled their dispute, no useful purpose would be served in allowing the criminal proceedings to continue.

6. Accordingly, in view of compromise effected between the parties, this petition is allowed. FIR No. 239/2015 registered at Police Station Virat Nagar for offence under Sections 498A / 406 of Indian Penal Code, 1860 and all consequential proceedings arising therefrom are quashed.