

(2015) 09 SHI CK 0098
In the High Court Of Himachal Pradesh
Case No : Criminal MMO No. 222 of 2015

Ranjeet Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 23-09-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Motor Vehicles Act, 1988 — Section 181, 196
Penal Code, 1860 (IPC) — Section 279, 337, 338

Citation : (2015) 09 SHI CK 0098

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : N.K. Thakur, Senior Advocate and Rohit Bharoll, for the Appellant;
Vivek Singh Attri, Dy. A.G., Advocates for the Respondent

Final Decision : Allowed

Judgement

Sureshwar Thakur, J—This petition has been fled under Section 482 of the Cr.P.C. at the instance of the petitioners-accused, for the quashing of FIR No. 18 of 2011 of 29.01.2011 wherein the petitioner herein is alleged to have committed offences punishable under Sections 279, 337, 338 of the Indian Penal Code and under Sections 181 and 196 of the Motor Vehicles Act registered at Police Station, Amb, District Una, Himachal Pradesh. Besides a prayer has been made therein that consequential criminal proceedings as launched against the petitioners/accused and pending before the learned Judicial Magistrate 1st Class, Court No. III, Amb, District Una, Himachal Pradesh be also quashed and set aside.

2. During the pendency of the petition before this Court, the respondent No. 2/ victim has in his statement recorded on oath, before this Court duly reduced into writing and signatored by him, disclosed therein in tandem with the compromise entered inter se him and the accused/petitioner, that he has amicably settled the dispute with the petitioner herein. He has proceeded to record in his statement

on oath, duly reduced into writing and signed by him that he has no objection in case the instant petition preferred by the petitioner before this Court for quashing of FIR No. 18 of 2011 of 29.01.2011 wherein the petitioner herein is alleged to have committed offences punishable under Sections 279, 337, 338 of the Indian Penal Code and under Sections 181 and 196 of the Motor Vehicles Act registered at Police Station, Amb, District Una, Himachal Pradesh, is accepted. Given the statement of the respondent No. 2/victim and given the compromise arrived at inter se the petitioner/accused and the victim/respondent No. 2, this Court accepts the instant petition. Even though some of the offences constituted in the FIR are non-compoundable, however, in the light of the verdict of the Hon"ble Apex Court reported in Narinder Singh and Others Vs. State of Punjab and Another, (2014) AIRSCW 2065 : (2014) CriLJ 2436 : (2014) 4 JT 573 : (2014) 4 SCALE 195 : (2014) 6 SCC 466 , the relevant paragraph 11 whereof is extracted hereinafter, permitting this Court to quash an FIR and consequential proceedings launched thereto even when some of the offences recorded therein are non compoundable, especially to prevent abuse of process of Court or to secure the ends of justice, besides when in the face of a settlement arrived at inter se the accused and the respondent No. 2/victim, the chances of the accused suffering conviction are rendered remote as well as bleak. Paragraph No. 11 of the aforesaid judgment reads as under:--

"11. As to under what circumstances the criminal proceedings in a non compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines: (Gian Singh Vs. State of Punjab and Another, (2012) 9 JT 457 : (2012) 9 JT 426 : (2012) 9 SCALE 257 : (2012) 10 SCC 303):--

"58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put on an end and peace is resorted; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by the public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil favour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions of the offences arising out of matrimony, particularly

relating to dowry, etc., or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.""

Consequently, with the settlement arrived at inter se the petitioner herein and the respondent/victim comprised in Annexures P-2 and P-3, constrains, it to hence conclude that even if some of the offences constituted in the FIR are non compoundable yet to secure the ends of justice besides to preclude the petitioner/accused being subjected to the harassment and humiliation of facing trial even when the respondent No. 2/victim has portrayed in the compromise deeds, besides in his statement on oath, duly reduced into writing and signed by him, to not proceed to prosecute the accused/petitioner herein, the compromise/settlement arrived at inter se the victim/respondent No. 2 and the petitioner, necessitates reverence by this Court. Moreover, what further prods this Court to rever the settlement arrived at inter se the petitioners and the victim/respondent No. 2, is comprised in the fact that with the respondent/victim being uninterested in prosecuting the accused, resultantly then when the chances of the petitioner/accused suffering conviction are rendered bleak/remote, which remoteness and bleakness of the petitioner/accused suffering conviction when has been in the relevant paragraph 11 of the verdict of the Hon"ble Apex Court enunciated to be a relevant and guiding parameter for accepting the settlement arrived at inter se the petitioner/accused and the respondent No. 2/victim, even when some of the offences are non compoundable, as in this case. Resultantly, when the said parameter standing expostulation in relevant paragraph 11 of the judgment of the Hon"ble Apex Court which stands extracted hereinabove has come to be for the reasons aforesaid satiated, satiation thereof prods this Court to accept the settlement arrived at inter se the petitioner and the respondent No. 2/victim. Consequently, the petition is allowed and FIR No. 18 of 2011 of 29.01.2011 wherein the petitioner herein is alleged to have committed offences punishable under Sections 279, 337, 338 of the Indian Penal Code and under Sections 181 and 196 of the Motor Vehicles Act registered at Police Station, Amb, District Una, Himachal Pradesh is quashed. In sequel, the consequential criminal proceedings arising therefrom and pending before the learned Judicial Magistrate 1st Class, Court No. 3, Amb, District Una, H.P. in Case No. 15-II-2012, titled as State v. Ranjeet Singh are also quashed and set aside. All the pending applications also stand disposed of.