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**(2020) 07 SHI CK 0253**  
**In the High Court Of Himachal Pradesh**  
**Case No : CR.MMO NO. 121 Of 2020**

Ranjeet Singh & Others

APPELLANT

Vs

State Of Himachal Pradesh & Another

RESPONDENT

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**Date of Decision :** 13-07-2020

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 320, 482  
Indian Penal Code, 1860 — Section 498A

**Citation :** (2020) 07 SHI CK 0253

**Hon'ble Judges :** Vivek Singh Thakur, J

**Bench :** Single Bench

**Advocate :** Jagat Pal, Shiv Pal Manhans

**Final Decision :** Disposed Of

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## Judgement

Vivek Singh Thakur, J

1. The instant petition, under Section 482 of the Code of Criminal Procedure (herein after referred to as 'Cr.PC'), has been filed by petitioners-accused, on the basis of compromise arrived at between them and complainant-respondent No. 2 Nisha Devi, for quashing FIR No. 16 of 2020, dated 24.1.2020, under Sections 498-A of the Indian Penal Code (herein after referred to as 'IPC'), registered at Police Station Sadar, District Bilaspur, H.P. and criminal proceedings initiated in pursuance thereto.

2. On 23rd June, 2020, petitioners Ranjeet Singh, Prem Lal and Kanta Devi and respondent No. 2 Nisha Devi were present in person and were duly identified by their respective counsels and on that date their statements, on oath, have been recorded.

3. Respondent No. 2 Nisha Devi in her statement deposed that she was married with petitioner No. 1 Ranjit Singh on 2.10.2019 and in the beginning, after marriage, her in-laws well behaved with her, however, thereafter there was shift in their behavior and being annoyed and harassed by the behavior of the

petitioners, she had tried to end her life which led to lodging of FIR No. 16 of 2020, dated 24.1.2020, at Police Station Sadar, District Bilaspur, H.P. against the petitioners and after the incident, she started living in her parental house. She has deposed that in the month of February, 2020 with the intervention of elders and relatives, matter was resolved and compromised and the compromise, reduced into writing, has been witnessed by Sh. Harish Kumar and Smt. Seema Devi, who are running an Institution named as 'Bitiya Foundation' and this compromise has been signed by her and the petitioners and thereafter she is residing with her in-laws (petitioners) peacefully and pursuing her studies as a student of BA final year. She further stated that for betterment of her future and to save her matrimonial life, she has compromised the matter with her free will and consent and without any threat, coercion or pressure and, therefore, she does not want to pursue the criminal case against the petitioners.

4. Petitioners in their statement have endorsed the statement made by complainant Nisha Devi (respondent No. 2) to be true and correct and they have also endorsed signing the compromise deed written in presence of witnesses Harish Kumar and Smt. Seema Devi, who are running an institution named as 'Bitiya Foundation' and have further stated that now respondent No. 2 Nisha Devi is living with them and they all have undertaken to live with peace and harmony, like a family and further that they have entered and signed the compromise out of their free will and without any threat, coercion or pressure.

5. It is contended on behalf of respondents-State that petitioners/accused are not entitled to invoke inherent jurisdiction of this Court to exercise its power on the basis of compromise arrived at between the parties with respect to an offence not compoundable under Section 320 Cr.P.C.

6. It is apt to record herein that a three Judges Bench of the Apex Court 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.P.C., 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 offence like murder, rape and dacoity etc. should not be quashed despite victim or victim family have settled the dispute with offender. Jurisdiction vested in High Court under Section 482 Cr.P.C. 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.

7. The Apex Court in *Parbatbhai Aahir alias Parbathbhai 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.P.C. has recognized that these powers are not inhibited by provisions of Section 320 Cr.P.C.

8. The Apex Court in case *Narinder Singh and Ors. 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 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.

9. No doubt Sections 498A IPC is not compoundable under Section 320 Cr. P.C. However, as explained by Hon'ble Supreme Court in *Gian Singh's*, *Narinder Singh's*, *Parbatbhai Aahir's* and *Laxmi Narayan's* cases supra, power of High Court under Section 482 Cr.PC is not inhibited by the provisions of Section 320 Cr.P.C. and FIR as well as criminal proceedings can be quashed by exercising inherent powers under Section 482 Cr.PC, if it is warranted in given facts and circumstances of the case for ends of justice or to prevent abuse of the process of any Court, even in those cases which are not compoundable where parties have settled the matter between themselves.

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 of nature of this case, to save the time of the Court for utilizing to decide more effective and meaningful litigation, a commonsense approach, based on ground realities and bereft of the technicalities of law, should be applied.

11. Offences in question, for material on record, do not fall in the category of offences termed to be prohibited, in the pronouncements of Apex Court, to be compounded exercising power under Section 482 of the Cr.P.C. It is evident from statements of respondent No. 2-complainant and petitioners, recorded on oath in this Court, family dispute has been settled and all family members including complainant/respondent No. 2 are residing under one roof and thus it would be not only in the interest of petitioners but also respondent No. 2-complainant and also society at large to save the family, primary unit of society, by allowing the parties to compromise and compound the matter.

12. Keeping in view the ratio of law laid down by the Hon'ble Apex Court and

considering facts and evidence of the case in its entirety, present petition is allowed and matter is permitted to be compounded. Consequently, FIR No. 16 of 2020, dated 24.1.2020, registered at Police Station Sadar, District Bilaspur, H.P. is quashed. Consequent to quashing of FIR No. 16 of 2020, criminal proceedings, if any, also stand quashed.

13. Petition stands disposed of in the aforesaid terms, so also pending applications, if any.