

(2024) 04 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CR.MMO No.101 Of 2024

Shubham

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 08-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 504, 506, 509
Information Technology (Amendment) Act, 2008 — Section 67

Citation : (2024) 04 SHI CK 0032

Hon'ble Judges : Bipin Chander Negi, J

Bench : Single Bench

Advocate : Ashok Kumar, Raj Kumar Negi, Ajay Thakur

Final Decision : Disposed Of

Judgement

@JUDGEMENT- JUDGEMENT

Bipin Chander Negi, J

1. By way of instant petition filed under Section 482 of the Code of Criminal Procedure read with Section 320 of the Code of Criminal Procedure, 1973, a prayer has been made on behalf of the petitioner for quashing of FIR No. 38 of 2022 dated 25.11.2022, under Sections 504, 506 and 509 of the Indian Penal Code and Section 67 of IT(Amendment) Act 2008 registered at Women Police Station Hamirpur, District Hamirpur, H.P, as well as consequent proceedings pending before the learned Additional Chief Judicial Magistrate, Hamirpur, HP.

2. The averments contained in the petition, which is duly supported by an affidavit reveals that on 25.11.2022 complainant/respondent No.3 had got a FIR registered against the present petitioner under Sections 504, 506 and 509 of the Indian Penal Code and Section 67 of the IT (Amendment) Act 2008. As a sequel thereto, challan has been presented before the learned Additional Chief Judicial Magistrate Hamirpur, District Hamirpur, H.P. However, during the pendency of

proceedings the dispute inter se the parties has been settled amicably vide Compromise Deed dated 05.12.2023, copy whereof is appended along with the present petition as Annexure P-2.

3. Today, complainant/respondent No.3 is present in the Court. Other than the complainant/respondent No.3, petitioner is also present in the Court. Statement of complainant/respondent No.3 stands recorded. She has categorically stated that she has entered into compromise of her own free will, volition and without any pressure. According to the complainant/respondent No.3, the dispute inter se the parties stands amicably settled between the parties.

5. I have heard learned counsel for the parties and perused the record carefully.

6. This Court sees no impediment in quashing the FIR in issue, as the dispute inter se the parties stand amicably resolved.

7. From a perusal of Section 320 of the Code of Criminal Procedure, it is evident that in so far as Sections 504, 506 and 509 of IPC are concerned, the same are compoundable. However, Section 67 of IT(Amendment) Act 2008 is a non-cognizable and non-bailable offence, which is not compoundable.

8. In this respect, attention of this Court has been drawn to case titled Narinder Singh and others vs. State of Punjab and another reported as (2014) 6 Supreme Court Cases, 466, wherein the Apex Court has categorically laid down that the High Court has inherent power to quash the criminal proceedings even in those cases, which are not compoundable, where the parties have amicably settled the matter inter se them. However, this power is to be exercised sparingly and with caution, in cases where settlement is arrived at. The guiding factors being securing the ends of justice or to prevent an abuse of the process of any Court.

9. In view of the fact that the parties have entered into compromise permitting the proceedings in pursuance to the aforesaid FIR sought to be quashed to continue would only result into an abuse of process and the same would not secure the ends of justice.

10. Accordingly, the petition is allowed. FIR No. 38 of 2022 dated 25.11.2022, under Sections 504, 506 and 509 of the Indian Penal Code and Section 67 of IT Act 2008 registered at Women Police Station Hamirpur, District Hamirpur, H.P, as well as proceedings pending before the learned Additional Chief Judicial Magistrate Hamirpur, are quashed and set aside.

11. The petition stands disposed of in the above terms, so also the pending application(s), if any., so also the pending application(s), if any.