

(2022) 10 JH CK 0002

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2223 Of 2018

Surendra Prasad And Others

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 10-10-2022

Acts Referred:

Constitution Of India, 1950 — Article 142

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3

Code Of Criminal Procedure, 1973 — Section 320, 482

Citation : (2022) 10 JH CK 0002

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sabyasanchi, Gautam Rakesh, Binod Kumar, Vijay Shakar Prasad

Final Decision : Allowed/Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Sabyasanchi, learned counsel for the petitioners, Mr. Gautam Rakesh, learned counsel for the State and Mr. Binod Kumar, learned counsel for opposite party no.2.

2. This petition has been filed for quashing of the entire criminal proceeding including entire FIR in connection with SC/ST Case No.03 of 2016, corresponding to G.R. No.1989 of 2016, SC/ST Case No.09 of 2017, pending in the court of the learned Additional Sessions Judge-I cum Special Judge, S.C. & S.T. (Prevention of Atrocities) Act, Palamau at Daltonganj.

3. Mr. Sabyasanchi, learned counsel for the petitioners submits that the case was falsely filed against the petitioners. The dispute is with regard to certain money. He further submits that during the pendency of this petition, good sense has prevailed upon the parties and the matter has been compromised and I.A. No.9095 of 2019 has been filed for joint compromise in which the terms and conditions of the compromise has been contained at Annexure-I/A of the said

I.A. He also submits that in terms of the compromise, sum of Rs.2,25,000/- has already been returned to opposite party no.2 and in that view of the matter, entire criminal proceeding including the FIR may kindly be quashed. He further submits that whatever allegation is made, the incident has occurred within the house of the petitioner and in that view of the matter it has not happened in public view and ingredients of SC/ST Act is not made out.

4. Mr. Binod Kumar, learned A.C. to Mr. Vijay Shankar Prasad has appeared on behalf of opposite party no.2 and he submits that the submissions of the learned counsel for the petitioners is correct and joint compromise petition has been filed and the matter has been compromised and in that view of the matter opposite party no.2 does not want to proceed with the case.

5. In view of the above submissions of the learned counsel appearing for the parties and considering that for recovery of certain amount, the case has been lodged and the sections under SC/ST Act has been added in the case. The amount in question has already been returned to opposite party no.2.

6. Recently the Hon'ble Supreme Court has considered the case relates to Section 3 of the Prevention of Atrocities (Scheduled Caste and Scheduled Tribes) Act, 1989, in Ramgopal & Anr. v. The State of Madhya Pradesh, in Criminal Appeal No. 1489 of 2012 along with Criminal Appeal No. 1488 of 2012 and in those cases, the compromise has been considered and it has been held that the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution can be invoked. For ready reference, paragraph 19 of the said judgment reads as under:

"19. We thus sum -up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

7. It is well settled that where the compromise is entered into between the parties and societal interest is not there, the High Court can exercise the power under Section 482 Cr.P.C., even if the Sections are not compoundable.

8. In view of the aforesaid compromise and upon going through the aforesaid I.A., this Court is inclined to invoke the power conferred under Section 482 Cr.P.C. As such the entire criminal proceeding so far as the petitioners is concerned is, hereby, quashed for the reasons that must be the occurrence

involved in this petition can be categorized as purely personal or having overtones of criminal proceedings of private nature; secondly the nature of complaint is with regard to certain money recovered from the petitioners and thirdly the cause of administration of criminal justice system would remain unaffected on acceptance of the amicable settlement between the parties.

9. In view of the above facts, reasons, analysis and in view of the statements made in paragraph 6 of the aforesaid I.A., the entire criminal proceeding including entire FIR in connection with SC/ST Case No.03 of 2016, corresponding to G.R. No.1989 of 2016, SC/ST Case No.09 of 2017, pending in the court of the learned Additional Sessions Judge-I cum Special Judge, S.C. & S.T. (Prevention of Atrocities) Act, Palamau at Daltonganj is, hereby, quashed.

10. Accordingly, this petition stands allowed and disposed of.

11. Consequently, I.A. No.9095 of 2019 stands disposed of.

12. Interim order dated 15.02.2021 stands vacated.