

(2024) 05 SHI CK 0052
In the High Court Of Himachal Pradesh
Case No : ?CR.MMO NO. 339 Of 2024

Yogesh Kumar And Others

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 07-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482

Indian Penal Code, 1860 — Section 147, 148, 323, 427, 451, 504

Citation : (2024) 05 SHI CK 0052

Hon'ble Judges : Bipin Chander Negi, J

Bench : Single Bench

Advocate : Sunny Dhatwalia, B.N. Sharma, Narinder Singh Thakur

Final Decision : Allowed

Judgement

Bipin Chander Negi, J

1. By way of instant petition filed under Section 482 of the Code of Criminal Procedure, a prayer has been made on behalf of the petitioners for quashing of FIR No.230/2023 dated 30.12.2023, under Sections 323, 451, 427, 147, 148, 504 of the Indian Penal Code, registered at Police Station, Barsar, District Hamirpur, Himachal Pradesh, as well as consequent judicial proceedings pending before the learned trial Court.

2. Original Compromise Deed has been placed on record. As per the averments contained in the petition, which is duly supported by an affidavit reveals that on 30.12.2023, complainant/ respondent No.2 had got a FIR registered against the present petitioners under Sections 323, 451, 427, 147, 148, 504 of the Indian Penal Code. As a sequel thereto, Challan has been presented before the learned trial Court. However, during the pendency of proceedings, the dispute inter se parties has been settled amicably vide Compromise Deed dated 12.04.2024, copy whereof, is appended alongwith the present petition. The Compromise Deed has been entered into at the intervention of elder relatives and respectable

members of the society with intent to settle the dispute inter se parties.

3. Statement of complainant/respondent No.2 stands recorded. He has categorically stated that he has entered into compromise of his own free will, volition and without any pressure. According to the complainant/respondent No.2, the dispute inter se parties stands amicably settled.

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

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

6. From a perusal of Section 320 of the Code of Criminal Procedure, it is evident that in so far as Sections 323, 451, 427 & 504 of the Indian Penal Code are concerned, the same are compoundable. However, Sections 147 and 148 of the Indian Penal Code are cognizable and bailable offences, which are not compoundable.

7. 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 are to prevent an abuse of the process of any Court.

8. 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.

9. Accordingly, the petition is allowed. FIR No.230/2023 dated 30.12.2023, under Sections 323, 451, 427, 147, 148, 504 of the Indian Penal Code, registered at Police Station, Barsar, District Hamirpur, Himachal Pradesh, is quashed and consequent judicial proceedings pending before the learned trial Court are also quashed.

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