

(2023) 01 SHI CK 0030
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 710 Of 2022

Yuvraj Singh

APPELLANT

Vs

State Of HP & Another

RESPONDENT

Date of Decision : 05-01-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 506
Information Technology Act, 2000 — Section 67A

Citation : (2023) 01 SHI CK 0030

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : N.K. Thakur, Karan Veer Singh, R.P. Singh, Nitish Negi

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. This petition has been preferred by petitioner under Section 482 Cr.P.C. for quashing of FIR No. 21 of 2019, dated 29.06.2019, registered under Sections 506 IPC and 67-A of Information Technology Act at Women Police Station Una, District Una along with consequential proceedings, if any, on the basis of compromise arrived at between the parties.

3. Today, petitioner as well as respondent No.2 along with her brother namely Akshay Kumar are present in the Court today. They have been identified by their respective counsel and separate statements of petitioner and respondent No.2 have been recorded on oath.

4. In her statement, complainant/respondent No.2 has stated that she has lodged FIR in present case in June, 2019 and criminal proceedings, arising thereto, are pending in the Court of Chief Judicial Magistrate, Una and during pendency of case, petitioner had met her personally. It has also been stated by complainant that petitioner along with his mother came to her mother and

expressed remorse for his conduct and also apologized and by acceding to the request of mother of petitioner and apology tendered by the petitioner, she, her mother as well as her brother have agreed to withdraw the case to save the future of petitioner Yuvraj. She has further deposed that her brother Akshay Kumar is also present in Court today and petitioner Yuvraj has also expressed apology to her brother and therefore, they have decided to forget the past and incident in reference and, therefore, keeping in view the interest of all, she has prayed for permission to withdraw the FIR for quashing criminal proceedings arising thereto. It has also been stated by her that during pendency of case, petitioner has also been married in December, 2021.

4. Petitioner, vide his statement, endorsing the statement made by complainant to be true and correct, has stated that he is feeling his guilt for his conduct and he has regret for the same. He has undertaken not to repeat such incident again in future with complainant party or anybody else. Further that it was a mistaken act for which his family has also felt ashamed. He has prayed that taking into consideration entire facts and circumstances, petition may be allowed.

4. Petitioner as well as respondent No.2, vide their separate statements, have stated that they have entered into compromise out of their free will, consent and also without any kind of threat, coercion or pressure etc.

5 Quashing of FIR in present petition has been prayed on the basis of compromise arrived at between the parties, photocopy whereof has been placed on record, which is duly signed by parties.

6. By filing the status report, it is contended on behalf of respondents-State that accused has been charge-sheeted for offence under Section 506 IPC and Section 67A of I.T. Act, and after completion of investigation, the challan has been filed against the petitioner/accused in the Court of learned Chief Judicial Magistrate, Una, District Una and, therefore, he is not entitled to invoke inherent jurisdiction of this Court to exercise its power keeping in view the nature of offence committed by them.

7 Three Judges Bench of the Apex Court in *Gian Singh Vs. State of Punjab and Ors.* 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.PC, 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.PC is held to be exercisable for

quashing criminal proceedings in cases having overwhelming and predominatingly 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.

8 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.

9 The Apex Court in case *Narinder Singh and others 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.

10As 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 CrPC and FIR as well as criminal proceedings can be quashed by exercising inherent powers under Section 482 CrPC, if 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.

11. 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.

12. In present matter, as the petitioner has expressed remorse for his conduct and has also apologized for the same and by acceding to the request of mother of petitioner and apology tendered by petitioner, complainant and her family members have agreed to withdraw the case to save the future of petitioner, therefore, I find that it is a fit case to exercise power under Section 482 Cr.P.C. and further keeping in view nature of dispute, even otherwise if criminal

proceedings are allowed to continue, no fruitful purpose is going to be served.

13. Further, offences in question do not fall in the category of offences prohibited for compounding in terms of the pronouncements of the Apex Court by exercising power under Section 482 Cr.P.C.

14 Keeping in view nature and gravity of offences and considering facts and circumstances of the case in entirety, I am of the opinion that present petition deserves to be allowed for ends of justice and the same is allowed accordingly and FIR No. 21 of 2019, dated 29.6.2019 registered at Women Police Station, Una, District Una H.P., is quashed. Consequent to quashing of FIR, criminal proceedings, if initiated in pursuant to the aforesaid FIR, are also quashed.

Petition stands disposed of in above terms, so also pending application, if any.

The parties are permitted to produce copy of order downloaded from the High Court website and the concerned authority shall not insist for certified copy of the order, however, they may verify the order from the High Court website or otherwise.