
(2020) 07 RAJ CK 0202

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2525 Of 2020

Zaheer

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 323, 341, 498A, 504

Citation : (2020) 07 RAJ CK 0202

Hon'ble Judges : Abhay Chaturvedi, J

Bench : Single Bench

Advocate : Sachin Kumar Mittal, Nishant Sharma

Final Decision : Allowed

Judgement

Petitioners have filed this petition under Section 482 Code of Criminal Procedure, 1973 seeking quashing of the First Information Report No. 85/2015,

registered at Police Station Mahila Thana, District Dholpur for offences under Section 498A, 406, 323, 341 and 504 IPC, on the basis of compromise.

Learned counsel for the petitioner and respondent No. 2, have submitted that parties have amicably settled their matrimonial dispute. It is submitted

that case bearing number 153/2015 (Shayama Vs. Zaheer) pending before the learned ACJM No. 1, Bari, District Dholpur, under section 125 Cr. P.

C., has been settled through compromise filed by both the parties. Parties also filed application for compromise in the criminal proceedings bearing

number 302/2015, for the offence under Section 498A IPC but the court dismissed the application on the ground that the offence is not compoundable

under the provisions of Section 320 Cr. P. C. It is also submitted that this Court has ample powers to dispose off proceedings pending before the trial

Court on the ground of compromise between the parties. Counsel for the petitioner relied upon the judgment of the Supreme Court in the case of Gian

Singh Vs. State of Punjab and Anr.; (2012) 10 SCC 303, which held thus:-

The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR

or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences

under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline

engrafted in such power viz; (I) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the

criminal proceeding or complaint or FIR may be exercised where the offender and victim have settled their dispute would depend on the facts and

circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the

nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly

quashed even though the victim or victim's family and the offender have settled the dispute. Such offences impact on society. Similarly, any

compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences

committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such

offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing,

particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of

matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their

entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender

and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and

extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In

other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or

continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and

wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is

in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

Since, the parties have amicably settled their matrimonial dispute, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, in view of compromise effected between the parties, the petition is allowed. FIR No. 85/2015, registered at Police Station Mahila Thana,

District Dholpur for offences under Section 498A, 406, 323, 341 and 504 IPC and all consequential proceedings arising therefrom qua the petitioners

are quashed.