

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**Cr.MMO No. 878 of 2022**

**Date of Decision 30<sup>th</sup> Nov., 2022**

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***Jitender and others***

***.....Petitioners***

***Versus***

***State of HP & others***

***....Respondents***

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For the Petitioners:

Mr. Rupinder Singh Thakur, Advocate.

For the Respondents:

Mr. Hemant Vaid, Additional Advocate  
General for respondent No.1.

Ms. Shashi Kiran Advocate for  
respondent No.2.

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***Vivek Singh Thakur, J.***

This petition has been preferred under Section 482 Cr.P.C. for quashing of FIR No. 0019 dated 23.4.2018 registered under Sections 147, 148, 149, 323 and 506 of Indian Penal Code (hereinafter in short 'IPC') at Police Station Pachhad, District Sirmaur HP and for quashing of proceedings initiated in pursuant thereto pending in the concerned Court.

2 Complainant/respondent No.2 as well as petitioners appeared in Court today and have been duly identified by their counsel. Their statements have also been recorded, which have been placed on record.

3 Complainant/respondent No.2 has stated that petitioners Jitender and Anup are resident of Chandoli situated at a distance of 1 Km. from Dilman and all others including him are resident of village Dilman and on the day of incident, a quarrel took place between petitioners namely Sandeep @ Golu, Jitender @ Aashu and his son Vasim Akram and due to misunderstanding, incident was aggravated leading to lodging the FIR by him against the petitioners. But later on, misunderstanding was clarified and all of them realized that incident could have been avoided, and now they, i.e. both sides, are living harmoniously, peacefully, cordially in the village and now they all are in talking terms with each other and, therefore, they have decided to close the matter by forgetting the past. He has further deposed that he has entered into compromise with petitioners for withdrawing the complaint. He has also sought permission for compounding the case to quash the FIR and consequential proceedings arising thereto.

4. Petitioners namely Jitender, Golu @ Sandeep Kumar, Buntty @ Rakesh Kumar, Jitender and Anup, endorsing the statement made by complainant as true and correct, have endorsed the compromise arrived at between them and undertake to be careful in future to avoid such incident.

6 Respondent No.2 as well as petitioners, in their respective statements, have stated that they have compromised the

matter and deposed in the Court out of their free will, consent and also without any kind of threat, coercion or pressure etc.

7. Quashing of FIR in present petition has been prayed on the basis of compromise arrived at between the parties, which has been placed on record, which is duly signed by petitioners and respondent No.2.

8 Though no separate reply has been filed on behalf of respondent No.1/State, but quashing of FIR has been opposed on the ground that petitioners have been charge sheeted for commission of offence under Sections 147, 148, 149, 323, 506 IPC and after completion of investigation, which has been carried out as per law without any bias or malice, chargesheet has been filed in the Court for judicial verdict and if present petition is allowed the whole exercise and investigation conducted by police will become futile and it will be sheer abuse of the process of law.

9 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.

10           The Apex Court in ***Parbatbhai Aahir alias Parbatbhai 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.

11           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.

12 As 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.

13. 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.

14. Keeping in view the statements of the complainant/respondent No.2 as well as petitioners, who have appeared in person and endorsed the compromise arrived at between them, I find that it is a fit case to exercise power under Section 482 Cr.P.C. and further even otherwise, in view of statements of the complainant and petitioners, if criminal proceedings are allowed to continue, no fruitful purpose is going to be served.

15. 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.

16 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. 0019, dated 23.4.2018, registered against the petitioners/accused at Police Station Pachhad, District Sirmaur H.P. is quashed. Consequent to quashing of the FIR, criminal proceedings pending in the concerned Court 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.

**November 30, 2022**  
**(ms)**

**(Vivek Singh Thakur)**  
**Judge**