

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

**Cr. MMO No. 1172 of 2022**

**Decided on: 21.03.2023**

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Ravi Parmar & Ors.

....Petitioners

Versus

State of H.P. & Anr.

....Respondents

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*Coram*

**The Hon'ble Mr. Justice Sushil Kukreja, Judge.**

Whether approved for reporting?<sup>1</sup>

For the petitioner : Mr. H.S. Rangra, Advocate.

For the respondents : Ms. Avni Kochhar, Deputy  
Advocate General, for  
respondent No. 1.

Mr. Jaidev Thakur, Advocate,  
for respondent No. 2.

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**Sushil Kukreja, Judge** (Oral)

The accused (petitioners herein), after compromising the matter with complainant/respondent No. 2, have come up before this Court under Section 482 of the Code of Criminal Procedure (hereinafter referred to as "the Code"), by invoking inherent powers of this Court, seeking quashing of

F.I.R. No. 55/2018, dated 02.04.2018, under Sections 323, 354, 504, 509 and 34 of the Indian Penal Code (hereinafter referred to as "IPC"), registered at Police Station Karsog, District Mandi, H.P.

2. The present F.I.R. was lodged by Complainant-respondent No. 2, Babita, who is duly represented and identified by Mr. Jai Dev Thakur, Advocate.

3. Today, the parties are present in person and statement of complainant/respondent No. 2, Babita, has been separately recorded and placed on the file.

4. Complainant-respondent No. 2, Babita has stated that on the basis of her complaint, F.I.R. bearing No. 55/2018, dated 02.04.2018 at Police Station Karsog, District Mandi, H.P., under Sections 323, 354, 504, 509 and 34 of IPC was registered against the petitioners. She has further stated that the aforementioned FIR was registered due to some misunderstanding and misconception. She has

also stated that now she had compromised the matter with the petitioners vide Compromise Deed Annexure P-3 and she had signed the compromise deed without any pressure and undue influence and after understanding the contents thereof, which have been read over and explained to her. Therefore, she has no objection if aforesaid F.I.R. and the consequent proceedings arising out of the said F.I.R., pending before the learned Judicial Magistrate First Class, Karsog, District Mandi, H.P. are quashed and set aside.

5. I have heard the learned counsel for the petitioner, learned Deputy Advocate General for respondent No. 1/State as well as the learned counsel for complainant/respondent No. 2 and also gone through the material available on record.

6. In ***Gian Singh Vs. State of Punjab and others, 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.P.C., the Hon'ble Apex Court 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's family have settled the dispute with offender. Jurisdiction vested in High Court under Section 482 Cr.P.C. is held to be exercisable for quashing criminal proceedings in cases having overwhelming and predominately 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.

7. Further, 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.

8. 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***,

the Hon'ble Supreme Court 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.

9. 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 the nature of the case, to save the time of the Court for utilizing to decide more effective and meaningful litigation, a common sense approach, based on ground of realities and bereft of the technicalities of law, should be applied.

10. In the instant case, since the matter has been amicably settled between the parties, therefore, keeping in view the nature of the offence,

I am of the considered view that no fruitful purpose will be served to continue the proceedings against the petitioners-accused persons, as continuation of the proceedings will be an exercise in futility. The justice in the case demands that the dispute between the parties is put to an end and peace is restored in order to maintain harmonious relations/atmosphere between them.

11. Hence, considering the facts and the circumstances of the case in entirety, I am of the opinion that the present petition deserves to be allowed for securing the ends of justice and, therefore, the same is allowed. Accordingly, F.I.R. bearing No. 55/2018, dated 02.04.2018, registered at Police Station Karsog, District Mandi, H.P., under Sections 323, 354, 504, 509 and 34 of IPC, as well as consequent proceedings arising out of the said FIR, pending before learned Judicial Magistrate First Class, Karsog, District Mandi, H.P., are ordered to be quashed and set aside.

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

**March 21 2023**  
(raman)

**( Sushil Kukreja )**  
**Judge**