



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

**Cr.MMO No.427 of 2023**

**Date of Decision: 03.08.2023**

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Rakesh Verma & Others

...Petitioners

Versus

State of Himachal Pradesh & Another

...Respondents

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*Coram*

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

Whether approved for reporting<sup>21</sup>

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For the petitioners : Mr. Tejasvi Verma, Advocate.

For respondent No.1 : Mr. B.N. Sharma, Mr. Raj Kumar  
Negi, and Mr. Jitender Sharma,  
Additional Advocates General.

For respondent No.2 : Mr. Prashant Chauhan, Advocate.

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**Sushil Kukreja, Judge** (Oral)

The accused persons (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 (Cr.P.C.), by invoking

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1 Whether reporters of Local Papers may be allowed to see the judgment?

inherent powers of this Court, seeking quashing of FIR No.45 of 2013, dated 20.07.2013, under Sections 342, 384, 506 & 34 of the Indian Penal Code (IPC), registered at Police Station Anni, District Kullu, H.P.

2. The present FIR was lodged by Complainant-respondent No.2, Shri Satpal Chauhan, who is duly represented and identified by Mr. Prashant Chauhan, Advocate.

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

4. Complainant/respondent No.2 has stated that on the basis of his complaint, FIR No.45 of 2013, dated 20.07.2013, under Sections 342, 384, 506 & 34 of the Indian Penal Code (IPC), was registered against the petitioners at Police Station Anni, District Kullu, H.P. He further stated that now with the intervention of respectable persons of the society, the matter has been amicably settled between the parties, vide Compromise

Deed Annexure P-2. He has stated that he has no objection, if the aforesaid FIR and the consequent proceedings arising out of the said FIR, pending before the Court of learned Judicial Magistrate First Class, Anni, District Kullu, H.P., are quashed and set aside.

5. I have heard learned counsel for the petitioners, learned Additional Advocate General for respondent No.1/State as well as the learned counsel for 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 offences 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 offences 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 Parbhathbhai 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 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

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allowed. Accordingly, FIR No.45 of 2013, dated 20.07.2013, under Sections 342, 384, 506 & 34 of the Indian Penal Code (IPC), registered at Police Station Anni, District Kullu, H.P., as well as consequent proceedings arising out of the said FIR, pending before the Court of learned Judicial Magistrate First Class, Anni, District Kullu, H.P., are quashed and set aside.

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

**August 03, 2023**  
(subhash)

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