

Court No. - 90

Case :- APPLICATION U/S 482 No. - 36126 of 2023

Applicant :- Ranveer Singh And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ravesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. The present applicants have invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the order dated 01.06.2023 passed by Session Judge Firozabad as well as quash entire criminal proceeding of Session Trial no. 489 of 2009 (State Vs. Ranveer Singh and others) arising out of the case crime no. 65 of 2009 under Sections 147, 148, 323/149, 307/149, 302/149, 504 IPC Police Station Fariha, District Firozabad pending in the court of Session Judge Firozabad in terms of the compromise dated 22.03.2023 entered between the parties.
3. Respondent no.2 has lodged an FIR, being Case Crime No.65 of 2009, dated 22.03.2009 against the present applicants levelling allegation of rioting, thrashing and murder alleging therein that on the date of incident i.e. 22.03.2009 at about 6.30 A.M. accused came at his doorstep with lethal arms, with common object, and beaten up the family members of the first informant. They shot fire, causing grievous injuries to the first applicant's family and one victim, namely, Mahendra Sindh has succumbed to firearm injury. During trial an application No.156-B has been filed to decide the criminal case on the basis of settlement took place between the parties. Learned trial court, vide order impugned dated 01.06.2003, has rejected the same considering the occurrence of offence for which accused have been indicted are non-compoundable.
4. The learned counsel for the applicants has submitted that during the trial proceedings, both parties entered into a compromise and filed compromise application. However, the same has been rejected by the trial court being not compoundable under Section 320 Cr.P.c.. It is further submitted that both the parties are family members and in relation to the same incident in question, cross FIR has been lodged. Thus, to observe peace and tranquility in the

family, instant application may be allowed on the basis of the compromise.

5. Having considered the submissions advanced by learned counsel for the applicant and perusal of record it is manifested that in the incident in question one Mahendra Singh has been assassinated owing to shot fire by the other side. Considering the facts and circumstances of the present case and the averment made in the FIR in totality, wherein one of the victim succumbed to firearm injuries, no ground is made out for deciding the matter on the basis of the compromise. In a recent judgment passed by a Three Judges' Bench of the Apex Court in the Case of **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another, reported in AIR 2017 SC 4843**, Hon'ble Supreme Court has summarized the ratio of all the cases decided earlier with respect to quashing of F.I.R./charge-sheet/criminal proceeding on the ground of settlement between the parties and expounded the ten categories in which application under Section 482 could be entertained for quashing the F.I.R./charge-sheet/criminal proceeding on the basis of compromise. Para no. 15 of the said judgement summarizing the proposition in this respect is reproduced below:-

"15. (i) Section 482 preserves the inherent power of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case

and no exhaustive elaboration of principles can be formulated;

(vi) In exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot approximately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

6. Facts of the present case falls under category (vi) as expounded by Hon'ble Apex Court in matter of **Parbatbhai Aahir (supra)**. This court did not find any justification to quash the murder trial on the basis of settlement. Heinous crime like murder can not be treated to be private in nature which effects the society in large. Thus, this court found neither any abuse of the process of court in the proceedings challenged before this Court, initiated against the present applicants, nor any justifiable grounds to issue an order securing the ends of justice in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C. Learned trial court has not committed any illegality or infirmity in rejecting the application (paper No.156 B)

7. Resultantly, the instant application, being misconceived and

devoid of merits, is **dismissed** with no order as to the cost.

8. Before parting the matter, learned counsel for the applicants has prayed to issue a direction for expeditious disposal of the trial with respect to the incident in question dated 22.03.2009. Cross FIRs have been lodged by both the parties being Case Crime No.65 of 2009 and Case Crime No.65-A of 2019 which is pending consideration since last 14 years. However, at present both the parties are interested to decide the aforesaid matter expeditiously. Pendency of the criminal proceedings is causing oppression and harassment to the parties.

9. Having considered the peculiar facts and circumstances of the instant matter and the submissions advanced by learned counsel for the applicants as well as learned A.G.A., learned trial court, before whom aforesaid trial is pending consideration, is hereby directed to decide the same expeditiously, preferably, within a period of 12 months from the date of production of a certified copy of this order.

10. It is expected that the matter should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

Order Date :- 4.12.2023/vkg