

Versus

WITH

CRIMINAL WRIT PETITION NO. 2474 OF 2022

Versus

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Mrs. A.S. Pai, PP for the State.

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DATED : 17 AUGUST 2022

P.C. :-

Writ Petition No.2474 of 2022 is not on board. Upon mentioning, taken on board.

2. Both these Writ Petitions are filed to quash cross First Information Report (for short 'FIR'). The Writ Petition No.2765 of 2022 is filed to quash the FIR No.716 of 2022 for the offences punishable under Sections 354, 324, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code and the Writ Petition No.2474 of 2022 is filed to quash the FIR No.717 of 2022 for the offences punishable under Sections 354, 324, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code.

3. The learned Counsel for the parties submit that the parties have amicably settled the dispute. It is submitted that parties are neighbors and they lodged the FIRs in question in a heat of passion. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh and ors vs. State of Punjab and anr*¹.

4. The complainant in FIR No. 716 of 2022, who is Petitioner No. 3 in Writ Petition No. 2474 of 2022 has filed the consent affidavit that she has no objection if the FIR in question is quashed in view of the settlement between the parties. Similar

1 (2014) 6 SCC 466

consent affidavit is filed by the Complainant in the FIR No. 717 of 2022, who is the Petition no. 4 in Writ Petition No. 2765 of 2022.

5. The Hon'ble Supreme Court in *Narinder Singh (supra)* has held :

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising 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 the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

6. We have examined the facts of the present cases in the light of principles laid down by the Hon’ble Supreme Court in the case of *Narinder Singh (supra)*. Admittedly, parties are neighbors. The genesis of dispute between the parties appears to be very trivial issue i.e. alleged nuisance caused by the pet dog of Petitioners in Writ Petition No. 2474 of 2022. The incident does not appear to be premeditated. In view of the settlement between the parties, they are

not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Apart from it, if the FIRs in question are not quashed disharmony between parties would not come to an end. Considering these facts and circumstances, the Writ Petitions deserve to be allowed. Consequently, Writ Petition No. 2765 of 2022 is allowed in terms of prayer clause (b) and Writ Petition No. 2474 of 2022 is allowed in terms of prayer clause (a).

7. The Writ Petitions are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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