IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No.1278/2024.
Date of Decision: 23rd December, 2024

Kulbir singh .....Petitioner

Versus

State of Himachal Pradesh & another

.....Respondents

Coram
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.
Whether approved for reporting?[1]

For the Petitioner	:	Mr. Jai Ram Sharma, Advocate.
For the Respondents	:	Mr. R.S. Verma, Additional Advocate General, for respondent No.1/State.
	:	Mr. Sahil Dixit, Advocate, for respondent No.2.

Bipin Chander Negi, Judge *(oral).*

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, a prayer has been made on behalf of the petitioner for quashing of FIR No.191 of 2021 dated 25.11.2021, under Sections 341, 336, 323 and 504 of the Indian Penal Code, registered at Police Station, Indora, District Kangra, H.P; as well as consequent judicial proceedings arising out of the same.

2. The averments contained in the petition, which are duly supported by an affidavit reveal that on 25.11.2021, complainant/respondent No.2 had got a FIR registered against the petitioner under Sections 341, 336, 323 and 504 of the Indian Penal Code. However, during the pendency of proceedings, the dispute *inter se* parties has been settled amicably vide compromise dated 08.11.2024,

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

which is appended alongwith the present petition as Exhibit P-1.

3. Statement of complainant/respondent No.2 stands recorded. He has categorically stated that he has entered into compromise of his own free will, volition and without any pressure. According to the complainant/respondent No.2, the dispute *inter se* parties stands amicably settled.

4. I have heard learned counsel for the parties and perused the record carefully.

5. This Court sees no impediment in quashing the FIR in issue, as the dispute *inter se* parties stands amicably resolved.

6. From a perusal of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, it is evident that the offence under Section 336 of the Indian Penal Code is non-compoundable.

7. In this respect, attention of this Court has been drawn to a case titled ***Narinder Singh and others vs. State of Punjab and another reported as (2014) 6 Supreme Court Cases, 466,*** wherein the Apex Court has categorically laid down that the High Court has inherent power to quash the criminal proceedings even in those cases, which are not compoundable, where the parties have amicably settled the matter inter se them. However, this power is to be exercised sparingly and with caution, in cases where settlement is arrived at. The guiding factors being securing the ends of justice or to prevent an abuse of the process of any Court.

8. 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.

9. In view of the fact that the parties have entered into compromise permitting the proceedings in pursuance to the aforesaid FIR sought to be quashed to continue would only result into an abuse of process and the same would not secure the ends of justice.

10. Accordingly, the petition is allowed. FIR No.191 of 2021 dated 25.11.2021, under Sections 341, 336, 323 and 504 of the Indian Penal Code, registered at Police Station, Indora, District Kangra, H.P; is quashed and consequent judicial proceedings arising out of the same are also quashed.

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

(Bipin Chander Negi)
Judge

23rd December, 2024 (tarun)