IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No.1141/2024
Date of Decision: 31st December, 2024.

Parvesh Kumar & Anr. .....Petitioners

Versus

State of Himachal Pradesh and Ors. .....Respondents.

Coram
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the Petitioners: Mr. Bodh Raj Thakur, Advocate.

For the Respondents: Mr. B.N. Sharma, Addl. Advocate General, for respondents No.1 to 3/State.

Mr. Rahul Sharma, Advocate, for respondent No.4.

Bipin Chander Negi, Judge *(oral).*

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), a prayer has been made on behalf of the petitioners for quashing of FIR No.146/22 dated 22.11.2022 under Sections 279 and 337 of IPC registered at Police Station Lambagaon, District Kangra, H.P., as well as consequent proceedings pending before the learned trial Court.

2. The averments contained in the petition, which is duly supported by an affidavit reveals that on 22.11.2022 complainant/respondent No.4 had got a FIR registered against the present petitioners under Sections 279 and 337 of the Indian Penal Code. In the FIR so registered, name of the complainant has wrongly been mentioned as Kulbir Singh instead of Kulbir Chand. However, during the pendency of

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

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proceedings the dispute *inter se* parties has been settled amicably vide compromise deed dated 06.11.2024, copy whereof is appended along with the present petition.

3. Statement of complainant/respondent No.4 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.4, the dispute *inter se* parties stands amicably settled between the parties.

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* the parties stands amicably resolved.

6. From a perusal of Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 it is evident that insofar as Section 279 of the IPC, is concerned, the same is not 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

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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.146/22 dated 22.11.2022 under Sections 279 and 337 of IPC registered at Police Station Lambagaon, District Kangra, H.P., as well as consequent proceedings pending before the learned trial Court, are quashed.

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

(Bipin Chander Negi)
Judge

31st December, 2024
(KS/Gaurav Rawat)

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