

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 517 OF 2021
(Arising out of SLP(Crl.) No. 3606 of 2021)**

Pramod Kumar Agrawal & Anr.

.....Appellant(s)

Versus

State of Madhya Pradesh & Anr.

.....Respondent(s)

ORDER

Leave granted.

This appeal is directed against the order dated 16.03.2021 passed by the High Court of Madhya Pradesh in MCRC No. 52294 of 2020 rejecting the request of the parties to quash the FIR in Crime No. 552 of 2017, Police Station, Indarganj, District, Gwalior for offences under Sections 420, 467, 468, and 120-B, Indian Penal Code.

The main parties to the dispute are close relatives in the manner that the appellant No. 1 and the respondent No. 2 are brothers whereas appellant No. 2 is the son of appellant No. 1. The dispute essentially related to a property left by the grandfather of the appellant No. 1 and the respondent No.2 (complainant) and had arisen in view of the two alleged instruments of bequeath. The dispute led to filing of Civil Suit No. 256-A of 2017 in the Court of 7th Civil Judge No. 2, Gwalior, Madhya Pradesh by the appellants and of criminal case in the FIR aforesaid by the respondent No.2.

It is submitted on behalf of the appellants and the respondent No. 2 in

unison that with the intervention of the elders of family, they have finally resolved all their disputes. It is also pointed out that acting on the settlement, appellants have, in fact, withdrawn the said civil suit on 09.05.2019; and the parties have sold the property in question to a third party and consideration has been shared amongst the beneficiaries concerned.

The issues and differences having been resolved, the appellants moved the High Court in MCRC No. 43049 of 2018 under Section 482 of the Code of Criminal Procedure for quashing of criminal case in the said FIR No. 552 of 2017 and also moved I.A. No. 8246 of 2018. Thereupon, the Court directed the parties to appear before the Principal Registrar of the Court for verification of the compromise. However, the parties failed to appear on the appointed dates and the Court, in its order dated 06.03.2019, observed that the application was filed without there being any compromise between the parties. However, the petition was dismissed as withdrawn.

Thereafter, the appellants again moved the High Court in MCRC No. 52294 of 2020 with reference to the compromise; and it was submitted that since the earlier petition was dismissed as withdrawn, the fresh one would be maintainable. However, in the impugned order dated 16.03.2021, the High Court opined otherwise. The High Court observed that the earlier petition, MCRC No. 43049 of 2018, was withdrawn without liberty to file afresh and for this reason, declined to entertain the petition filed by the appellants in MCRC No. 52294 of 2020.

It is submitted that the parties having resolved all their disputes and having

acted on the compromise; the civil suit having been withdrawn; and the property in question having been sold to a third party, no purpose would be served by continuing with the criminal proceedings. On the contrary, interest of justice shall be served if the proceedings in question are quashed so that the parties may move on while leaving the past dispute in the family behind them. The submissions aforesaid are made *ad idem* on behalf of the appellants and respondent No. 2 (complainant). Learned counsel appearing for the State, however, has opposed the prayer for quashing of the proceedings in the FIR in question, essentially with the submissions that the allegations in the present case are for the offences under Sections 420, 467, 468 and 120-B of the Indian Penal Code; and the crime alleged being against the society at large, the present matter does not call for any lenient view of the Court.

Having examined the matter in its totality, we are clearly of the view that the FIR in the present case had essentially been an outcome of a civil nature dispute in the family; and there are no such over-bearing circumstances for which the appellants ought to be prosecuted even after the family has entered into a settlement. Needless to observe that with the present stand of the parties in terms of their settlement, there is practically no chance of recording conviction, even if the case under the FIR in question is put to trial. In other words, entire exercise of trial would only be an exercise in futility. On the contrary, looking to the nature of dispute and the fact that the disputants, being the close relatives, have compromised and want to proceed peacefully ahead, it would be in the interest of justice that all the proceedings under the FIR in

question are quashed.

The opposition on behalf of the State to the prayer for quashing the proceedings in question cannot be accepted in the fact situation of the present case. The suggestions about crime being against the society are required to be viewed with reference to the nature and gravity of the crime. As noticed, the matter had essentially been concerning the family members with the allegation of cheating and falsification of document concerning their ancestral property. The parties have not only compromised but have even acted faithfully on the compromise with the appellants have withdrawn the civil suit and the parties have even sold the property in question to a third party. In the totality of circumstances, it cannot be said that the present matter carries such a societal impact that resorting to prosecution is absolutely necessary. In our view, the matter of present nature clearly falls within the principles delineated in the case of ***Gian Singh v. State of Punjab and Ors.: (2012) 10 SCC 303*** thus:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public

servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on the different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(emphasis supplied)

The High Court appears to have taken too rigid a view of the matter and has rejected the prayer for quashing of the FIR only on the ground that the earlier petition for the same purpose was withdrawn on 06.03.2019. In the matter of present nature, it cannot be said that if the parties failed to appear for verification of compromise on the earlier occasion, they forfeited all the rights to seek appropriate order on their compromise at the later stage.

Having examined the matter in its totality, we are satisfied that the parties, who are close relatives, have entered into a lawful compromise and have settled all their disputes. No purpose would be served by proceeding further in the FIR in question.

In view of above, this appeal succeeds; the impugned order dated 16.03.2021 is set aside; and the proceedings in FIR No. 552 of 2017, Police

Station Indarganj, Gwalior are quashed.

All pending applications stand disposed of.

.....,J.
(Dinesh Maheshwari)

.....,J.
(Aniruddha Bose)

New Delhi,
May 21, 2021.

ITEM NO.34 Court 10 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3606/2021

(Arising out of impugned final judgment and order dated 16-03-2021 in MCRC No. 52294/2020 passed by the High Court Of M.p At Gwalior)

PRAMOD KUMAR AGRAWAL & ANR. Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.59973/2021-EXEMPTION FROM FILING O.T.)

Date : 21-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Puneet Jain, Adv.
 Mr. Hash Jain, Adv.
 Mr. Harshit Khanduja, Adv.
 Ms. Christi Jain, Adv.
 Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Gopal Jha, AOR
 Mr. Shreyash Bhardwaj, Adv.

 Mr. B. K. Satija, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

All pending applications stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(BEENA JOLLY)
COURT MASTER

(Signed order is placed on the file.)