

(2020) 07 SHI CK 0216
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 156 Of 2020

Ashish Kumar

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 14-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 279, 337, 338

Citation : (2020) 07 SHI CK 0216

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Sanjay Kumar Sharma, Somesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood, Prerna

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No. 312 of 2018, dated 27.12.2018, registered under Sections 279, 337 and 338 of the Indian Penal Code, at Police Station Sarkaghat, District Mandi, H.P. as well as consequential criminal proceedings, pending before the learned Trial Court.

2. I have heard learned Counsel for the petitioner as well as learned Counsel for respondent No. 2 and learned Additional Advocate General.

3. Respondent No. 2, Shri Desh Raj, who is present in person in the Court, has been duly identified by his Counsel Ms. Prerna, Advocate. His statement has also been independently recorded in the Court, wherein he has stated that he has entered into a compromise/Samjhauta Nama with the petitioner/accused and he is not interested in pursuing the matter which led to registration of FIR No. 312 of 2018, dated 27.12.2018, registered under Sections 279, 337 and 338 of the Indian Penal Code, at Police Station Sarkaghat, District Mandi, H.P, as well as

consequential criminal proceedings, pending before learned Trial Court, especially keeping in view the age of the petitioner and the effect and impact, which a criminal case may have on his career. A copy of compromise/ Samjhauta Nama so arrived at between the parties is appended with the petition at page 15 of the paper book and execution of the same as also the contents thereof have also been acknowledged by respondent No. 2.

4. Learned Additional Advocate General has also very fairly submitted that the respondent-State has no objection in case petition is allowed and FIR as well as consequential criminal proceedings, if any, pending trial, are quashed and set aside.

5. Accordingly, in view of above, this petition is allowed and FIR No. 312 of 2018, dated 27.12.2018, registered under Sections 279, 337 and 338 of the Indian Penal Code, at Police Station Sarkaghat, District Mandi, H.P. as well as consequential criminal proceedings pending in the Trial Court, which have ensued from said FIR, are quashed and set aside, taking into consideration the compromise/ Samjhauta Nama, entered between the complainant i.e. respondent No. 2 and the accused i.e. the present petitioner and statement to this effect, made by respondent No. 2 in this Court, which shall form part and parcel of the judgment.

Petition is accordingly disposed of in above terms, so also pending miscellaneous application(s), if any.