

(2022) 11 SHI CK 0034
In the High Court Of Himachal Pradesh
Case No : CR.MMO No. 976 Of 2022

Ashok Alias Pankaj And Another

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 21-11-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 451, 504, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)

Citation : (2022) 11 SHI CK 0034

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : R.L. Chaudhary, Narender Thakur, Ashwani Kaundal

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. By way of instant petition, a prayer has been made to quash FIR No. 115/2021 dated 12.07.2021, registered at Police Station Sadar, Hamirpur, District Hamirpur, H.P. under Sections 451, 341, 323, 504, 506 read with Section 34 of IPC and Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and consequent criminal proceedings pending before learned Special Judge, Hamirpur, District Hamirpur, H.P.

2. It is averred in the petition that the occurrence had taken place due to sudden provocation between the parties and as the parties are residents of same Tehsil and were known to each other since long, they have entered into a compromise to put an end to their dispute. The terms of the compromise have been reduced into writing vide Annexure P-3. The parties have decided to live in peace in future. On such averment, a prayer has been made to quash the aforesaid FIR and consequent criminal proceedings.

3. On notice, respondent No.4/complainant appeared before this Court on

07.11.2022. His statement was recorded on oath. Respondent No.4/complainant stated that he had entered into a compromise with the petitioners. He further stated that the parties to dispute belonged to the same area and with the intervention of elders, the compromise has been arrived at. In view of such compromise, he did not want to carry the litigation further and wanted to maintain the peace with the petitioners. He further stated that in view of the compromise, he had no objection in case the FIR No.115/2021, dated 12.07.2021, registered at Police Station Sadar, Hamirpur, District Hamirpur, H.P. under Sections 451, 341, 323, 504, 506 read with Section 34 of IPC and Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and consequent criminal proceedings were quashed.

4. A joint statement of petitioners was also recorded on the same day. Both of them endorsed the contents of the statement made by respondent No.4/complainant. They undertook to abide by the compromise, Annexure P-3.

5. Perusal of the compromise deed, Annexure P-3, reveals that the terms thereof cannot be said to be unlawful.

6. The object of every civilized society and legal system maintained by it, is to ultimately secure peace and harmony. No purpose can ever be achieved by allowing the people to fight on issues which are not so serious as to have far reaching effects on the society as a whole.

7. In the instant case, the offences were under Sections 451, 341, 323, 504, 506 read with Section 34 of IPC and Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The injury caused by the alleged acts of petitioners was personal to respondent No.4/complainant. It cannot be said that the decision of the case either way would have harmed the interest of the society as a whole. In any case, it was a private dispute between the parties.

8. The motive behind compromise between the parties is to put an end to the past disputes. Noticeably, the petitioners and respondent No.4 belong to the same area. It is stated that they were having long standing acquaintance with each other. They now intend to resume their old acquaintance and good relations by resolving to the amicable settlement. Keeping in view the interest of justice, there appears to be no impediment in grant of prayer made in the petition. Even otherwise, in view of the stand now taken by the complainant/respondent No.4, there are hardly any chances of success of prosecution case.

9. Keeping in view the entirety of the facts and circumstances, this petition is allowed. FIR No.115/2021, dated 12.07.2021, registered at Police Station Sadar, Hamirpur, District Hamirpur, H.P. under Sections 451, 341, 323, 504, 506 read with Section 34 of IPC and Section

3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and consequent criminal proceedings pending before learned Special Judge, Hamirpur, District Hamirpur, H.P., against the petitioners, are ordered to be

quashed.

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