

(2020) 09 SHI CK 0117
In the High Court Of Himachal Pradesh
Case No : CR. MMO No. 234 Of 2020

Deepak Sharma

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 01-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 406, 498A

Citation : (2020) 09 SHI CK 0117

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Raj Kumar, Rohit Khullar, Somesh Raj, Dinesh Thakur, Sanjeev Sood, Bhim Raj

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 the following reliefs:

"Keeping in view the above mentioned peculiar facts and circumstances of the present case, it is, therefore, respectfully prayed that the present petition may very kindly be allowed and the FIR No. 13 dated 09.03.2019, under Sections 406 & 498-A IPC registered at Women Police Station, Nahan (Annexure P-1) and the trial of the above noted FIR pending before the Hon'ble Trial Court of Ms. Geetika Kapil, JMIC, Nahan against the petitioner may kindly be quashed and set aside on the basis of the terms and conditions of mutual compromise dated 20.03.2020 (Annexure P-2), being an inherent power of this Hon'ble Court, in the interest of justice and fair play.

It is further prayed that during the pendency of the present petition before this Hon'ble Court, all the subsequent proceedings arising thereof may also kindly be stayed, in the interest of justice and fair play."

2. Mr. Bhim Raj, learned counsel has put in appearance on behalf of respondent No. 2. He submits that he has instructions to state that respondent No. 2, who is the complainant, has entered into a compromise with the petitioner-accused and the issue which led to the filing of the FIR in question has been settled between the parties in terms of compromise deed dated 20.03.2020 (Annexure P-2). He further states that he has instructions to acknowledge the execution of the compromise as well as contents thereof and the factum of the same having been signed by respondent No. 2.

3. I have heard learned counsel for the parties and have also gone through the averments made in the petition, FIR as well as the compromise deed dated 20.03.2020 (Annexure P-2). .

4. Learned counsel for the petitioner submits that in view of the compromise deed entered into between the parties and contents thereof, it will be in the interest of justice in case this petition is allowed and the FIR in question as well as subsequent criminal proceedings, including the criminal case pending before the Court of learned Judicial Magistrate 1st Class, Nahan, are ordered to be quashed and set aside, as the same will pay way to peace and harmony.

5. Learned Additional Advocate General submits that the State has no objection in case this petition is allowed and FIR as well as subsequent criminal proceedings which are pending pursuant to the lodging of the said FIR are quashed and set aside.

6. Taking into consideration the fact that the issue which led to the registration of FIR in question stands amicably settled between the parties, in my considered view, no fruitful purpose will served by keeping the FIR alive. Accordingly, this petition is allowed and FIR No. 13, dated 09.03.2019, registered under Sections 406 and 498-A of the Indian Penal Code at Women Police Station, Nahan and subsequent criminal proceedings ensuing therefrom, if any, including the criminal case pending before the Court of learned Judicial Magistrate 1st Class, Nahan, are ordered to be quashed and set aside Petition stands disposed of in above terms, so also miscellaneous applications, if any.