

(2020) 10 SHI CK 0366
In the High Court Of Himachal Pradesh
Case No : CR. MMO No. 298 Of 2020

Hemant Kumar And Another

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 09-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 323, 452, 504, 506

Citation : (2020) 10 SHI CK 0366

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Ashok K. Tyagi, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this petition, the petitioners have, inter alia, prayed for the following relief:

"A. That F.I.R. No. 91/2019 under Section 452, 323 and 506 I.P.C. registered at Police Station Dhalli, Tehsil Shimla, District Shimla H.P. alongwith consequential proceeding arises out of the said F.I.R. i.e., criminal case No. 356/2019 pending for 24.09.2020 before the Chief Judicial Magistrate, Shimla, District Shimla, H.P., may kindly be quashed in view of the compromise arrived between the parties."

2. I have heard learned counsel for the parties and also gone through the averments made in the petition as well as FIR.

3. This petition is jointly filed by the complainant at whose behest the FIR has been lodged as well as the accused therein. A copy of the FIR has been appended with the petition as Annexure P-1 and the compromise which has been entered into between the parties has been appended with the petition as Annexure P-3.

4. Learned counsel for the petitioners 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 as well as subsequent criminal proceedings are ordered to be quashed and set aside, as the same will pave 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. 91/2019, dated 21.05.2019, registered under Sections 452, 323 and 504 of the Indian Penal Code at Police Station Dhalli, Tehsil and District Shimla, H.P. and subsequent criminal proceedings ensuing therefrom, including Criminal Case No. 356/2019, pending before the Court of learned Chief Judicial Magistrate, Shimla, H.P. are ordered to be quashed and set aside

Petition stands disposed of in above terms, so also miscellaneous applications, if any.