

(2023) 03 SHI CK 0085
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 192 Of 2023

Inderjeet Singh And Others

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 29-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 298, 323, 341, 356

Citation : (2023) 03 SHI CK 0085

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Ganesh Barowalia, Rahul Singh Verma, Jitender Sharma, Tejasvi Sharma, Pushpender Jaswal, Baldev Negi, Gautam Sood, Gurinder Singh Parmar, Anubhav Chopra

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 petitioners have prayed for quashing of FIR No. 157 of 2021, dated 28.09.2021, registered at Police Station Poanta Sahib, District Sirmaur, H.P. under Sections 323, 341, 298 and 356 read with Section 34 of the Indian Penal Code as well as ensuing criminal proceedings therefrom, pending in the Court of learned Additional Chief Judicial Magistrate, Court No. 1, Poanta Sahib, District Sirmaur, H.P.

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

3. Respondent No. 2, namely, Sh. Abhishek Chandel, who is present in person in the Court, has been duly identified by Counsel Mr. Anubhav Chopra, Advocate, who is representing him. Power of attorney, if not filed earlier, be filed during the course of the day.

4. Statement of respondent No. 2 has also been independently recorded in the Court, wherein he stated that he has compromised the matter with the petitioners as the issue which led to registration of FIR in question has been amicably settled between them as they want to live in peace and harmony with each other and taking into consideration this fact, he is not interested in pursuing further the FIR No. 157 of 2021, dated 28.09.2021, registered at Police Station Poanta Sahib, District Sirmaur, H.P. under Sections 323, 341, 298 and 356 read with Section 34 of the Indian Penal Code as well as ensuing criminal proceedings therefrom, pending in the Court of learned Additional Chief Judicial Magistrate, Court No. 1, Poanta Sahib, District Sirmaur, H.P. and further has no objection, in case, the same are quashed and set aside by this Court.

5. Learned Additional Advocate General has also very fairly submitted that in case the parties intend to settle the matter and live and peace and harmony with each other, the respondent-State has no objection in case petition is allowed and FIR as well as consequential criminal proceedings, pending trial, as prayed for, are quashed and set aside.

6. Accordingly, in view of above, this petition is allowed and FIR No. 157 of 2021, dated 28.09.2021, registered at Police Station Poanta Sahib, District Sirmaur, H.P. under Sections 323, 341, 298 and 356 read with Section 34 of the Indian Penal Code as well as ensuing criminal proceedings therefrom, pending in the Court of learned Additional Chief Judicial Magistrate, Court No. 1, Poanta Sahib, District Sirmaur, H.P. are ordered to be quashed and set aside, taking into consideration the compromise entered between the complainant i.e. respondent No. 2 and the accused i.e. the petitioners herein and statement to this effect, made by respondent No. 2/complainant in this Court, which shall form part of the judgment.

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