
(2020) 06 SHI CK 0206
In the High Court Of Himachal Pradesh
Case No : CRMMO No. 136 Of 2020

Moti Lal	Vs	APPELLANT
State Of H.P. And Another		RESPONDENT

Date of Decision : 24-06-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 323, 341, 506

Citation : (2020) 06 SHI CK 0206

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Subhash Sharma, Somesh Raj, Sanjeev Sood, Divya Sood, Surrender Verma

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. 92 of 2014, dated 14.04.2014, registered under Sections 341, 506 and 323 read with Section 34 of the Indian Penal Code, at Police Station Sadar Una, District Una, H.P as well as consequential criminal proceedings, i.e. P.C. No. 161 of 2014 (CNR No. HP UN020007132014), titled as State versus Moti Lal, pending in the Court of learned Judicial Magistrate 1st Class, Court No. 2, Una, HP.

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, Sanjeev Kumar, who is present in person in the Court, has been duly identified by his Counsel Shri Surrender Verma, Advocate. His statement has also been independently recorded wherein he has stated that he has entered into a compromise with the petitioner/ accused and he is not interested in pursuing the matter which led to registration of FIR No. 92 of 2014,

dated 14.04.2014, registered under Sections 341, 506 and 323 read with Section 34 of the Indian Penal Code, at Police Station Sadar Una, District Una, as well as subsequent criminal proceedings, which have been ensued from said FIR, i.e. P.C. No. 161 of 2014 (CNR No. HP UN020007132014), titled as State versus Moti Lal, pending in the Court of learned Judicial Magistrate 1st Class, Court No. 2, Una, HP. A copy of compromise so arrived at between the parties is appended with the petition as Annexure P-2 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 subsequent criminal proceedings, if any, pending trial, are quashed and set aside.

5. Accordingly, in view of above, this petition is allowed and FIR No. 92 of 2014, dated 14.04.2014, registered under Sections 341, 506 and 323 read with Section 34 of the Indian Penal Code, at Police Station Sadar Una, District Una, as well as subsequent criminal proceedings, i.e. P.C. No. 161 of 2014 (CNR No. HP UN020007132014), titled as State versus Moti Lal, pending in the Court of learned Judicial Magistrate 1st Class, Court No. 2, Una, HP, which have been ensued from the said FIR, are quashed and set aside taking into consideration the compromise (Annexure P-2) which is 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.