

(2022) 10 SHI CK 0019

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 908 Of 2022

Sunil Kumar

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 19-10-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 498A, 323, 504

Citation : (2022) 10 SHI CK 0019

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Naresh K. Sharma, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Amit Kumar Dhumal, Ashwani Kaundal

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. 18 of 2021, dated 21.01.2021, registered under Sections 498-A, 323 and 504 of the Indian Penal Code, at Police Station Sunder Nagar, District Mandi, H.P. as well as ensuing criminal proceedings pending in the Court of learned Judicial Magistrate 1st Class, Court No. 2, Sunder Nagar, District Mandi, H.P.

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

3. Complainant/Respondent No. 2, Smt. Anuradha, is present in person in the Court. She has been duly identified by Mr. Ashwani Kaundal, Advocate, who is representing her.

4. Statement of complainant Smt. Anuradha (respondent No. 2), has also been independently recorded in the Court, wherein she stated that as the issue which led to registration of the FIR in issue, stands compromised between the parties in

terms of Compromise Deed Annexure P-3, therefore, he has no objection in case FIR No. 18 of 2021, dated 21.01.2021, registered under Sections 498-A, 323 and 504 of the Indian Penal Code, at Police Station Sunder Nagar, District Mandi, H.P. as well as ensuing criminal proceedings, pending in the Court concerned, are quashed and set aside. A copy of compromise so arrived at between the parties is appended with the petition as Annexure P-3 and execution of the same as also the contents thereof have also been acknowledged by respondent No. 2. She also acknowledged her signatures on Compromise Deed Annexure P-3.

5. 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 consequential criminal proceedings, if any, pending trial, are quashed and set aside.

6. Accordingly, in view of above, this petition is allowed and FIR No. 18 of 2021, dated 21.01.2021, registered under Sections 498-A, 323 and 504 of the Indian Penal Code, at Police Station Sunder Nagar, District Mandi, H.P. as well as ensuing criminal proceedings pending in the Court of learned Judicial Magistrate 1st Class, Court No. 2, Sunder Nagar, District Mandi, H.P., are ordered to be quashed and set aside, taking into consideration the compromise entered between parties and statement to this effect, made by the 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.