IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.319 of 2024
Decided on : 21.12.2024

Manish Chakravarty ...Petitioner

Versus

State of Himachal Pradesh & Another ...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Pawan Gautam, Advocate.

For the respondents : Mr. Mohinder Zharaick, Additional Advocate General for respondents No.1.

Mr. Vijay Bir Singh, Advocate, vice Mr. Bhim Raj Sharma, Advocate, for respondent No.2.

Virender Singh, Judge (oral).

Petitioner-Manish Chakravarty has filed the present petition, under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.PC'), for quashing of FIR No.44/2024, dated 13.03.2024 (hereinafter referred

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

to as the FIR, in question), registered with Police Station, Dharampur, District Solan, H.P., under Section 419 and 201 of the Indian Penal Code (hereinafter referred to as the 'IPC'), as well as, the proceedings resultant thereto, which are stated to be pending before the Court of learned Additional Chief Judicial Magistrate, Kasauli, District Solan, H.P. (hereinafter referred to as the 'trial Court').

2. The relief of quashing has been sought, on the basis of the compromise, which has taken place between the petitioner and respondent No.2.

3. According to the petitioner, on the statement of respondent No.2, the FIR, in question, has been registered against him.

4. After registration of the FIR, the police has conducted the investigation and submitted the report under Section 173(2) Cr.PC, which is now pending adjudication before the learned trial Court.

5. According to the petitioner, during the pendency of the aforesaid case, he has compromised the matter with respondent No.2.

6. The terms and conditions of the compromise have been reduced into writing, vide compromise deed, Annexure P-3.

7. On the basis of the above facts, a prayer has been made that the FIR, in question, as well as, proceedings resultant thereto, pending before the learned trial Court, may kindly be quashed and set aside, by allowing the petition.

8. When put to notice, respondent No.1-State has filed the status report, mentioning therein the circumstances, in which, the FIR, in question, has been registered, at the instance of respondent No.2, as well as, the manner, in which, the investigation has been conducted, by the police, in this case.

9. Respondent No.2, who, at one point of time, has put the criminal machinery into motion, appeared before this Court and has stated that now, he has entered into the compromise with the petitioner, voluntarily, without any influence or pressure from any person. He has also admitted his signatures on Annexure P-3. He, in unequivocal terms, has deposed that he does not want to

proceed with the FIR, lodged by him, and has prayed that the same may kindly be quashed.

10. Similar type of statement has also been made by the petitioner, on oath.

11. Heard.

12. In this case, the criminal machinery was put into motion, by respondent No.2, by lodging the FIR, in question, who initially had levelled the allegations against the petitioner, however, when appeared before this Court, he has exonerated the petitioner from the allegations.

13. Once, the person, who had put the criminal machinery into motion, has exonerated the petitioner from the allegations, the chances of success of prosecution case against the petitioner are not so bright.

14. When the parties, have buried all their disputes, by compromising the matter, vide compromise Annexure P-3, then, permitting the proceedings to continue against the petitioner, would be nothing, but, abuse of process of law.

15. The primary purpose of law is to maintain peace and harmony in the society. Acceptance of the

petition, would also give another opportunity to the petitioner, as well as, respondent No.2 to live peacefully in the society.

16. Even otherwise, acceptance of the compromise, by this Court, will save the precious judicial time of the learned trial Court, which, the learned trial Court will be in a position to devote for the decision of some other serious matters, pending before it.

17. Moreover, this Court is satisfied with the genuineness of the compromise Annexure P-3, entered into between the parties.

18. Considering all these facts, the petition is allowed and FIR No.44 of 2024, dated 13.03.2024, registered with Police Station, Dharampur, District Solan, H.P., under Sections 419 and 201 of the IPC, as well as, the proceedings resultant thereto, pending before the learned trial Court, are ordered to be quashed.

19. The compromise deed, Annexure P-3, and the statements of the parties, recorded in the Court, shall form part of the judgment.

20. Pending miscellaneous applications, if any, shall also stand disposed of accordingly.

(Virender Singh)
Judge

December 21, 2024*(ps)*