IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MMO No. 703 of 2024

Decided on : 20.11.2024

Kamal Kumar

...Petitioner

Versus

State of H.P. & ors.

...Respondents

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioner : **Mr. Ravi Tanta, Advocate.**

For the **Respondents :** **Mr. Tejasvi Sharma, Mr. H.S. Rawat, Additional Advocates General and Ms. Ranjana Patial, Dy. A.G., for respondents No. 1 and 2.**

Mr. Anirudh Sharma, Advocate, for respondents No. 3 and 4.

Virender Singh, Judge (oral)

The petitioner has filed the present petition, under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'the Cr. P.C..) for quashing of FIR No. 51 of 2019, dated 22.6.2019, under

Sections 307, 451, 457, 504 and 506 of the Indian Penal Code (hereinafter referred to as 'the IPC'), (hereinafter referred to as 'the FIR in question'), registered with Police Station, Jubbal, Shimla, as well as, the proceedings resultant thereto, stated to be pending before the learned Additional Sessions Judge, Rohru, H.P. (hereinafter referred to as 'the trial Court').

2. Relief, as claimed for, has been sought on the ground that the matter has been compromised between the petitioner and respondents No. 3 and 4, as they want to live in peace and harmony, in future.

3. The terms and conditions of the compromise have been reduced into writing, which have been annexed with the petition, as Annexure P-A.

4. On all these submissions, a prayer to allow the present petition, by quashing the FIR in question, as well as, proceedings resultant thereto, has been made.

5. When put to notice, respondents No. 1 and 2 has filed status report, disclosing therein the factual position, about the manner, in which, the FIR in

question has been registered and criminal machinery swung into motion.

6. It is the further case of respondents-State that after completion of investigation, report under Section 173(2) of Cr. P.C. has been filed, which is pending adjudication before the learned trial Court.

7. On 27.8.2024, the person who has put criminal machinery into motion, by making statement under Section 154 Cr. P.C., before the Police, has appeared in Court and has made a statement, on oath, about the manner, in which, she has lodged the FIR in question and factum of the compromise, which has been effected, between the parties, in order to maintain cordial relations between the respondents No. 3 and 4, and the petitioner, as they are residents of the same area.

8. Lastly, respondent No. 3, in unequivocal terms, has deposed that she does not want to proceed further with the matter and has stated that she has no objection, in case, the present petition is allowed

and the FIR in question and the proceedings resultant thereto, pending before the learned trial Court, are quashed.

9. Similar type of statement has also been made by the petitioner, and respondent No. 3.

10. Heard.

11. Complainant/respondent No. 3 has categorically stated, in her statement, on oath, that the compromise has been effected between the parties, in order to maintain cordial relations, between them.

12. In view of the compromise deed, Annexure P-A, which bears the signatures of petitioner and respondents No. 3 and 4, respondent No. 3 does not want to proceed further with the case and has specifically stated that she has no objection, in case, the FIR in question, as well as, proceedings resultant thereto, pending before the learned trial Court, are quashed and the present petition is allowed.

13. Moreover, when, the parties have settled the dispute with regard to FIR in question, then the

compromise, which has been entered into between the parties, annexed with the petition as Annexure P-A, should be honoured by this Court, as no useful purpose would be served, by keeping the proceedings alive.

14. The primary purpose of law is to maintain peace in the society and when, the parties to the lis, i.e. petitioner and respondents No. 3 and 4, have buried their disputes and compromised the matter, then, the continuation of the criminal proceedings, arising out of FIR in question, lodged by respondents No. 3 and 4, would certainly amount to abuse of the process of law.

15. Acceptance of the compromise will also save the precious judicial time of the learned trial Court, as, the learned trial Court will be in a position to devote such time, for deciding some other serious disputes, pending before it.

16. Considering all these facts, the present petition is allowed and FIR in question, as well as,

proceedings consequent thereto, pending adjudication before the learned trial Court, are quashed.

17. The statements, so recorded today and the compromise, Annexure P-A, be read as part of the judgment.

18. Pending miscellaneous application(s), if any, also stands disposed of.

(Virender Singh)
Judge

November 20, 2024
Kalpana