(2024:HHC:16938)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.1057 of 2024
Decided on : 31.12.2024

Dila Ram ...Petitioner

Versus

State of Himachal Pradesh & Others ...Respondents

Coram

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

Whether approved for reporting?[1]

For the petitioner	:	Mr. Aman Sood, Advocate.
For the respondents	:	Mr. Tejasvi Sharma, Additional Advocate General for respondent No.1. Mr. I.S. Chandel, Advocate, for respondents No.2 and 3.

Virender Singh, Judge (oral).

Petitioner-Dila Ram, has filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of FIR No.167/2017, dated 14.11.2017 (hereinafter referred to as the FIR, in question), registered with Police Station, Dhalli, District Shimla, H.P., under Sections 498-A, 109 and 506 of the Indian Penal Code,

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

(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, Court No.1, Shimla, District Shimla, 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. It is the case of the petitioner that he was married to respondent No. 2, on 12.1.2004. Thereafter, they have been blessed with two children, namely; Preeti (daughter) and Sumit (son). However, compelled by the circumstances, respondent No.3, who is not stranger, but, real brother of respondent No.2 and brother-in-law of petitioner, had lodged FIR, in question, in which, the police has conducted the investigation and submitted the final report, which is pending adjudication before the learned trial Court.

4. It is the further case of the petitioner that later on, good sense has prevailed and he has settled all the disputes with respondents No.2 and 3, vide compromise

deed Annexure P-2. Now, respondent No.2 is residing happily with the petitioner in the matrimonial home.

5. On the basis of the above facts, a prayer has been made to quash the FIR, in question, as well as, the proceedings resultant thereto, pending before the learned trial Court, by allowing the petition.

6. When put to notice, respondent No.1 has filed the status report, mentioning therein, the manner, in which, the FIR, in question, has been registered, at the instance of respondent No.3, as well as, the manner, in which, the police has conducted the investigation, in this case and submitted the final report, which is pending adjudication, before the learned trial Court.

7. The person, who, at one point of time, had put the criminal machinery into motion, by lodging the FIR, in question, by levelling allegations, as mentioned in it, now has settled the matter with the petitioner, vide compromise Annexure P-2.

8. Respondent No.2, while appearing before this Court, has deposed that she was married to the petitioner

on 12.1.2004. Thereafter, she and petitioner have been blessed with two children, a daughter and a son.

9. Respondent No.2 has further deposed that due to some misunderstanding, respondent No.3 had lodged FIR, in question, against the petitioner. After registration of the FIR, the police has conducted the investigation and submitted the final report, which is pending before the learned trial Court.

10. Respondent No.2, has further deposed that now, they have settled all the disputes between her and petitioner and now, she is residing happily with the petitioner, in the matrimonial home. She has specifically stated that she has no objection, in case, the petition is allowed, as prayed for.

11. Similar type of statements have also been made by the petitioner and respondent No.3, on oath.

12. Heard.

13. The marriage between petitioner and respondent No.2, is stated to have taken place on 12.1.2004 and both of them have also been blessed with two children. However, compelled by the circumstances, it

seems that due to some misunderstanding, respondent No.3, who is brother of respondent No.2 and brother-in-law of the petitioner, had lodged the FIR, in question, against the petitioner, in which, the police has conducted the investigation and submitted the final report, which is pending before the learned trial Court.

14. With the passage of time, good sense has prevailed upon them and they have compromised the matter, vide compromise Annexure P-2. The said compromise is stated to have been taken place between the parties, out of their free will consent and without any pressure.

15. The efforts made by the parties have resulted in the settlement of the matter and respondent No.2, has now started residing with the petitioner, in the matrimonial home. Not only this, as per the categoric stand taken by the parties, all the disputes between petitioner and respondents No.2 and 3, have now been settled and the terms and conditions of the compromise have been reduced into writing, vide compromise Annexure P-2.

16. The primary purpose of the law is to maintain peace and harmony in the society. When, petitioner and respondent No.2, have now started residing together, in the matrimonial home, after settling all the disputes, then, the sincere efforts, which they had made, must be recognized by the Court, by accepting the present petition, as prayed for.

17. Even otherwise, if respondent No.3, is compelled to pursue the criminal proceedings against the petitioner, pending before the learned trial Court, it would be nothing, but, abuse of the process of law and it would also adversely affect the matrimonial life of petitioner and respondent No.2, as well as, their children.

18. Moreover, in view of the statements made by the parties, i.e. petitioner, as well as, respondents No.2 and 3, this Court is fully satisfied about the genuineness of the compromise.

19. Considering all these facts, this Court is of the view that in case, the present petition is allowed, it will not only save the precious judicial time of the learned trial Court, but, it will also save the valuable relations between

the parties i.e. petitioner as well as, respondents No.2 and 3.

20. Even otherwise, acceptance of the compromise, by this Court, will also 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.

21. Considering all these facts, the petition is allowed and FIR No.167/2017, dated 14.11.2017, registered with Police Station, Dhalli, District Shimla, H.P., under Sections 498-A, 109 and 506 of the IPC, as well as, the proceedings resultant thereto, pending before the learned trial Court, are ordered to be quashed.

22. The compromise Annexure P-2 and the statements of the parties, recorded today, shall form part of the judgment.

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

(Virender Singh)
Judge

December 31, 2024*(ps)*