

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MMO No. 10 of 2017.**

**Decided on: 31.5.2017.**

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Ajay Rathore and another

....Petitioners.

**Versus**

State of HP and another

... Respondents.

.....

*Coram*

***The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.***

**Whether approved for reporting?<sup>1</sup> No.**

**For the petitioners.**

**: Mr. D.N. Sharma, Advocate**

**For respondents.**

**: Mr. Vikram Thakur, Dy. Advocate General for  
respondent No.1.**

**: Mr. S.C. Sharma, Advocate vice Mr. Balram  
Sharma, Advocate, Legal Aid Counsel for  
respondent No.2.**

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**Ajay Mohan Goel, J (Oral)**

When this case was listed on 24.5.2017, it was stated at the Bar by learned counsel for the petitioners that as the matter stands amicably settled between petitioners and the complainant and complainant was no more interested in pursuing the FIR which had been lodged on the basis of his complaint against the petitioners, therefore, this Court may exercise its inherent jurisdiction and quash the FIR No. 149 of 2014 dated 23.9.2014 registered at Police Station

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<sup>1</sup> *Whether reporters of the local papers may be allowed to see the judgment?*

Theog, District Shimla under Sections 452, 323, 342, 392 read with Section 34 of Indian Penal Code.

2. In this background, the Court had directed petitioners as well as the complainant to be present in the Court today. Petitioner No.2 is present in the Court who is duly identified by Mr. D.N. Sharma learned counsel for the petitioners. Complainant is also present in the Court who has also been identified by Mr. S.C. Sharma appearing vice Mr. Balram Sharma learned Legal Aid Counsel. In the Court it has been stated by the complainant emphatically and unambiguously that he does not intend to withdraw the FIR which stands lodged against present petitioners on the basis of the complaint filed by him.

In this view of the matter, in my considered view this petition is misconceived and the same is accordingly dismissed, so also pending miscellaneous applications if any.

**(Ajay Mohan Goel)**  
**Judge**

31<sup>st</sup> May, 2017  
(Guleria)