

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO Nos. 71 and 72 of 2021

Date of decision: 26.2.2021

1. Cr.MMO No. 71 of 2021

Ajay Kumar Sharma.

...Petitioner.

Versus

State of Himachal Pradesh.

...Respondent.

2. Cr.MMO No. 72 of 2021

Yadvender Thakur.

...Petitioner.

Versus

State of Himachal Pradesh.

...Respondent.

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting?¹

For the Petitioner(s): Ms.Anu Tuli, Advocate.

For the Respondent: Mr.Raju Ram Rahi, Deputy Advocate General.

Vivek Singh Thakur, Judge (oral)

Petitioners in these petitions have approached this Court for quashing of FIR No. 155 of 2019, dated 24.7.2019, registered in Police Station Sadar, District Shimla, H.P. under Sections 143 and 188 of Indian Penal Code.

2. It is submitted on behalf of petitioners that offence, as alleged in the FIR, has not been committed by the petitioners and further that even if the contents of FIR are taken to be true as it is, for arguments sake only, even then on the basis of contents of FIR as well as material on record, it does not disclose commission of any offence by the petitioners under the Sections mentioned in the FIR.

3. It is further submitted by learned counsel for the petitioners that in an identical case a Co-ordinate Bench of this Court in Cr.MMO No. 306 of 2020, decided on 5.11.2020, titled as Ms.Anu Tuli Azta Vs. State of Himachal Pradesh and another, has quashed this FIR, i.e. FIR No. 155 of 2019 qua the petitioner therein on the ground that there is nothing on record to substantiate the allegations that petitioner therein had committed the offence alleged in the FIR.

4. The contention of petitioners that they are identically situated to the petitioner in Cr.MMO No. 306 of 2020 has not been disputed on behalf of respondent-State, after going through the record made available to learned Deputy Advocate General.

5. Judgment passed in Cr.MMO No. 306 of 2020 has attained finality. Being identically similar to the petitioner therein, petitioners herein are also entitled for the same treatment and for the reasons assigned in the said Cr.MMO for quashing of FIR lodged against co-accused in identical circumstances, present petitions deserve to be allowed and accordingly FIR No. 155 of 2019, dated 24.7.2019 registered in Police Station Sadar, District Shimla, H.P., under Sections 143 and 188 of Indian Penal Code is quashed qua petitioners herein, in terms of Cr.MMO No. 306 of 2020.

Petitions stand disposed of along with pending application(s).

26th February, 2021
(Keshav)

(Vivek Singh Thakur),
Judge.