

IN THE HIGH COURT OF HIMACHAL PRADESH,

SHIMLA

ON THE 30th DAY OF SEPTEMBER, 2021

BEFORE

HON'BLE MR. JUSTICE AJAY MOHAN GOEL

CRIMINAL MISC. PETITION (MAIN) U/S 482 CRPC
No.460 of 2021

Between:

SHRI SURESH KUMAR SON
OF SARDOOL CHAND,
AGED 51 YEARS, RESIDENT
OF VILLAGE AMLAHRU,
POST OFFICE RANGAS,
TEHSIL NADAUN, DISTRICT
HAMIRPUR, HIMACHAL
PRADESH.

....PETITIONER.

(BY MR.KULWANT SINGH GILL, ADVOCATE)

AND

1. STATE OF HIMACHAL
PRADESH, THROUGH
SECRETARY HOME
GOVERNMENT OF HIMACHAL
PRADESH AT SHIMLA.

....RESPONDENT.

2. SHRI KULDEEP CHAND SON
OF SARDOOL CHAND, VILLAGE
AMLAHRU, POST OFFICE
RANGAS, TEHSIL NADAUN,
DISTRICT HAMIRPUR,
HIMACHAL PRAESH.

.... RESPONDENT/COMPLAINANT

(BY SHRI ADARSH SHARMA, SHRI SUMESH RAJ AND SHRI
SANJEEV SOOD, ADDITIONAL ADVOCATES GENERAL, With
MR. KAMAL KANT CHANDEL, DEPUTY ADVOCATE GENERAL,
FOR THE RESPONDENT NO.1.

MR. ASHOK KUMAR, ADVOCATE, FOR RESPONDENT NO.2)

Whether approved for reporting? ¹ No

This petition coming on for admission this day, the Court passed the following:

J U D G M E N T

Mr. Ashok Kumar, Advocate has put in appearance on behalf of respondent No.2.

By way of this petition, filed under Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.123 of 2021, dated 04.09.2021, registered under Sections 451, 504 and 324 (Section 324 substituted with Section 326) of the Indian Penal Code, at Police Station Nadaun, District Hamirpur, Himachal Pradesh.

2. I have heard learned counsel for the petitioner as well as learned counsel for respondent No.2 and learned Additional Advocate General.

3. Respondent No.2 (Shri Kuldeep Chand), who is present in Court, has been duly identified by his counsel Mr. Ashok Kumar, Advocate. His statement has also been independently recorded in the Court, wherein he has stated that he has entered into a compromise with the petitioner/accused and he is not interested in pursuing the matter which led to registration of FIR No.123 of 2021, dated 04.09.2021, registered under Sections 451, 504 and 324 (Section 324 substituted with Section 326) of the Indian Penal Code, at Police Station Nadaun, District Hamirpur, Himachal Pradesh. A copy of the Compromise Deed so arrived at between the parties is appended

with the petition as Annexure P-3 and execution of the same as also the contents thereof have also been acknowledged by respondent No.2.

4. Learned Additional Advocate General has also very fairly submitted that the respondent-State has no objection in case this petition is allowed and FIR in issue is quashed and set aside.

5. Accordingly, in view of above, this petition is allowed and FIR No.123 of 2021, dated 04.09.2021, registered under Sections 451, 504 and 324 (Section 324 substituted with Section 326) of the Indian Penal Code, at Police Station Nadaun, District Hamirpur, Himachal Pradesh, as well as ensuing criminal proceedings against the petitioner, are quashed and set aside, taking into consideration the compromise entered between the complainant i.e. respondent No.2 and accused and statement to this effect, made by respondent No.2 in this Court. The Compromise Deed Annexure P-3 as well as statement of the complainant made today in the Court shall form part of the judgment. Miscellaneous applications, if any, also stand disposed of.

September 30, 2021
(rishi)

(Ajay Mohan Goel)
Judge