

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

**Cr.MMO No.996 of 2023**

**Decided on : 29.09.2023**

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Mahesh Singh @ Maltu & Another ...Petitioners

Versus

State of Himachal Pradesh & Others ...Respondents

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*Coram*

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

*Whether approved for reporting?<sup>1</sup>*

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For the petitioner : Mr. Jairam Sharma, Advocate.

For the respondents : Mr. Tejasvi Sharma, Additional  
Advocate General, for  
respondent No.1.

Mr. Sahil Dixit, Advocate for  
respondents No.2 and 3.

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**Virender Singh, Judge (oral).**

Petitioners have filed the present petition, under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'CrPC'), for quashing of FIR No.38 of 2016, dated 16<sup>th</sup> March, 2016, registered with Police Station, Indora, District Kangra, H.P., under Sections 452, 323, 324, 147, 148 and 149 of the Indian Penal Code (hereinafter referred to as the 'IPC'), as well as, the subsequent proceedings thereto, which are stated to be

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

pending before the Court of learned Judicial Magistrate First Class, Indora, H.P., (hereinafter referred to as the 'trial Court'), in Case No.22 of 2016, titled as State of H.P. versus Maltu @ Mahesh & Another.

2. According to the petitioners, on the basis of the statement of respondent No.2, the FIR, in question, has been registered against them.

3. After registration of the FIR, the police has conducted the investigation and submitted a report under Section 173(2) Cr.PC, which is now pending adjudication before the learned trial Court.

4. According to the petitioners, they, as well as, respondents No.2 and 3, in order to live peacefully, in the society and to maintain good relations, have compromised the matter. The compromise has been effected between the parties, out of their free will, consent and without any pressure.

5. The terms and conditions of the compromise have been reduced into writing, which is annexed with the petition as Annexure P-2.

6. On the basis of the above, a prayer has been made that the FIR, as well as, proceedings, resultant thereto, pending before the learned trial Court, may kindly be quashed and set aside, by allowing the petition.

7. When put to notice, the State has not filed the status report, however, the person, who has put the criminal machinery into motion, by lodging the FIR and the person, who had suffered the injuries, in the said incident, have appeared, before this Court and deposed that on the statement of respondent No.2, the FIR, in question, has been registered, in which, the police has conducted the investigation and submit the challan in the learned trial Court.

8. According to respondents No.2 and 3, now, in order to live peacefully, in the society and to maintain good and cordial relations, they have compromised the matter vide compromise deed Annexure P-2. Both of them, have deposed that on the basis of the compromise, they have no objection, if the petition is allowed and the FIR, in question, as well as, proceedings, resultant thereto, are quashed.

9. Similar type of statement has been made by the petitioners, on oath.

10. Considering the young age of the petitioners, as well as, respondents No.2 and 3, this Court is of the view that the acceptance of the petition will inculcate the habit to live peacefully in the society in them.

11. Moreover, the primary purpose of the law is to maintain peace and harmony in the society. When, the complainant, who has lodged the FIR, in question, and the person, who has suffered injuries, in the incident, have compromised the matter, with the petitioners, then the chances of success of the prosecution case, in the trial, pending before the learned trial Court, are also not so bright.

12. Even otherwise, in view of the compromise between the parties, permitting the proceedings to continue would be nothing but abuse of the process of law. Even otherwise, the acceptance of the compromise by this Court will, 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 matter pending before it.

14. Considering all these facts, the petition is allowed and FIR No.38 of 2016, dated 16<sup>th</sup> March, 2016, registered under Sections 452, 323, 324, 147, 148 and 149 IPC, against the petitioners, with Police Station Indora, District Kangra, H.P., as well as, the proceedings resultant thereto, which are stated to be pending before the learned trial Court, are ordered to be quashed.

15. The compromise deed, Annexure P-2, and the statements of the parties, recorded today, in the Court, shall form part of the judgment.

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

**( Virender Singh )**  
**Judge**

**September 29, 2023**<sub>(ps)</sub>