

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.1200 of 2025

Date of Decision: 25.03.2026

State of Himachal PradeshPetitioner

Versus

Mahesh ... Respondent

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner : Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocate Generals with Mr. Ravi
Chauhan & Mr. Anish Banshtu, Deputy
Advocates General.

For the Respondent: Mr. Vishal Verma, Advocate.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 482 of Cr.P.C., challenge has been laid to order dated 03.02.2023 passed by learned Judicial Magistrate, First Class, Karsog, District Mandi, Himachal Pradesh, in case FIR No.123 of 2019, dated 10.08.2019, under Section 407 IPC, whereby an application filed under Section 320(i) and (ii) of Cr.P.C., for compounding the offence alleged to have been committed by the respondent herein came to be allowed.

2. Precisely, the grouse of the petitioner has been highlighted in the petition and further canvassed by Mr. Ravi Chauhan, learned Deputy Advocate General, is that learned Judicial Magistrate, First Class, Karsog, District Mandi, Himachal Pradesh,

¹Whether the reporters of the local papers may be allowed to see the judgment?

while accepting the prayer made on behalf of the respondent for compounding the offence, failed to take note of the fact that aggrieved persons in the case at hand were apple growers whose apple boxes were sold by the respondent on his way to Azadpur Subzi Mandi Delhi by breaching entrustment. Mr. Chauhan submitted that since aggrieved persons were apple growers and they were not made party to the compromise effected between the complainant and the respondent, there was no occasion for the Court below to accept the application for compounding of the offence.

3. To the contrary, learned counsel representing the respondent while making this Court peruse FIR, as detailed hereinabove, vehemently argued that FIR was lodged by Mr. Mahesh and there is a specific allegation with regard to consignment of the apples sent by him and there is no reference to the consignment of apple, if any, made by the apple growers. He submitted that since by way of compromise, complainant as well as respondent resolved to settle their dispute amicably, which fact subsequently came to be recorded in the order impugned in the instant proceedings, no illegality can be said to have been committed by the Court below while passing the impugned order.

4. Having heard learned counsel for the parties and perused material available on record, this Court finds that complainant Mahesh Kumar filed complaint at police Station, Karsog that he was

forwarding agent and he engaged truck No.HP-52-B-6941 for loading 332 boxes of apple of different apple growers and same were loaded in the truck from place Churag (Karsog) on 05.08.2019 for Azadpur Subzi Mandi Delhi. He alleged that though driver engaged by him was entrusted 332 boxes from Churag(Karsog) to Azadpur Subzi Mandi Delhi and these boxes were to be sold in Azadpur Subzi Mandi, however, driver of aforesaid truck on his way to Delhi sold some of the apple boxes to some tourist at Janetpur Punjab and reached Azadpur Mandi Delhi after 7 days on 12.08.2019.

5. True it is that bare perusal of the complaint suggests that complainant Mahesh Kumar had mentioned about 332 boxes of apple of various apple growers, but admittedly, there was no complaint, if any, of the apple growers, rather 332 boxes of apple were entrusted to complainant Mahesh Kumar by various apple growers, who otherwise on account of non receipt of payment could have grouse, if any, against complainant Mahesh Kumar, but certainly not against the accused named in the FIR lodged at the behest of Mahesh Kumar. Since complainant Mahesh Kumar candidly admitted factum of his having entered into the compromise with the accused named in the complaint and thereafter he did not object to prayer made on behalf of the accused named in the FIR for compounding of the offence alleged to have been committed by him under Section 407 IPC, no illegality

can be said to have been committed by the Court below, while passing the impugned order.

6. Consequently, in view of the above, this Court finds no illegality or infirmity in the impugned order laid challenge in the instant proceedings and accordingly, same is upheld.

In the aforesaid terms, the present petition is dismissed alongwith pending applications, if any.

**(Sandeep Sharma),
Judge**

March 25, 2026
(shankar)