IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MMO No. 200 of 2022

Decided on : 31.12.2025

Joginder Pal & ors.

...Petitioners

Versus

State of H.P.& anr. ...Respondents

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioners : Petitioners No. 1 and 2 with Mr. Ajay Sharma, Senior Advocate, assisted by Mr.Atharv Sharma, Advocate.

For the Respondents : Mr. Mohinder Zharaick, Addl. A.G. for respondent No.1.

Respondent No. 2 in person with Mr. Nitin Thakur, Advocate.

Virender Singh, Judge (oral)

Petitioners have filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') seeking

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quashing of FIR No. 75 of 2020, dated 11.2.2020, registered under Sections 406, 498-A, 120-B and 34 of the Indian Penal Code (hereinafter referred to as 'the IPC') with Police Station, Sadar Una, Distt. Una, H.P., as well as, the proceedings resultant thereto, pending in the Court of learned Judicial Magistrate First Class, Court No. 3, Una, District Una, H.P. (hereinafter referred to as 'the trial Court'), in view of the compromise, having been effected, between the petitioners and respondent No. 2.

2. According to the petitioners, FIR in question was registered against them and Kapil Dev (son of petitioners No. 1 and 2 and brother of petitioners No. 3 and 4) at the instance of respondent No. 2, due to matrimonial dispute, having been arisen between Kapil Dev and respondent No. 2.

3. After registration of the FIR, the criminal machinery swung into motion. After completion of the investigation, report under Section 173(2) of Cr. P.C. was submitted in the trial Court.

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4. During the pendency of the case, before learned trial Court, the parties have settled the matter. The husband of respondent No. 2 has filed a petition under Section 13 of the Hindu Marriage Act, which is stated to be pending in the Court of learned Additional Principal Judge, Family Court-II, Una, District Una, H.P., and the same is stated to be fixed, for 17.1.2026.

5. During the pendency of the present petition, the matter was referred to mediation, vide order dated 20.11.2025. Before the learned Mediator, all the inter se disputes between the petitioners, Kapil Dev and his wife Mamta Devi (respondent No. 2) have been resolved and Kapil Dev and respondent No. 2 have decided to part their ways.

6. Petitioner No. 1, respondent No. 2 and Kapil Dev (husband of petitioner No. 2) have made statements before the learned Mediator and Kapil Dev handed over two post dated cheques, amounting to Rs. 8,50,000/- (in total) to respondent No. 2, which is inclusive of total amount of Rs. 12,50,000, towards present, past and future maintenance. Respondent No.

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2 has received entire amount of maintenance, including permanent alimony.

7. On the basis of above, a prayer has been made to allow the present petition.

8. When put to notice, respondent No. 1 has filed the status report, disclosing therein, the manner, in which, the FIR in question has been registered and the Police has investigated the matter and submitted the report under Section 173(2) Cr. P.C., before the learned trial Court.

9. Today, the person, who, at one point of time, had levelled the allegations, against the petitioners, i.e. respondent No. 2, appeared and stated, on oath, that she was married to Kapil Dev (son of petitioners No. 1 and 2 and brother of petitioners No. 3 and 4) and thereafter, dispute had arisen between them, out of matrimonial discord. Thereafter, according to her, she had lodged FIR against the petitioners, in which, police has conducted the investigation and submitted the report under Section 173(2) of the Cr. P.C., which is pending before the learned trial Court.

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10. According to respondent No. 2, she and Kapil Dev have decided to part their ways, by dissolving their marriage. She has made statement before the learned Mediator, as well as, before this Court that all the inter se disputes between her, her husband and the petitioners have been resolved. She has further deposed before the learned Mediator that she has received two post dated cheques, amounting to Rs. 8,50,000/- (in total) from her husband Kapil Dev, which is inclusive of total amount of Rs. 12,50,000/- towards present, past and future maintenance, and she has received the entire amount of maintenance, including permanent alimony. She has further deposed that she has no claim whatsoever, with regard to past, present and future maintenance, towards her husband Kapil Dev.

11. On the basis of compromise, she has categorically stated that she has no objection, in case the FIR, as well as, proceedings resultant thereto, pending before the learned trial Court, are quashed.

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12. Similar type of joint statement has also been made by petitioners No. 1 and 2, in which, they have also reiterated that they are governed by the terms and conditions of the compromise, having been taken place, before the learned Mediator. Joint statement of petitioners No. 3 and 4, who are sister-in-laws of respondent No. 2 has also been recorded, before the Court of learned Judicial Magistrate First Class, Court No. 3, Una, District Una, H.P.

13. Heard.

14. Parties to the present lis, i.e. petitioners and respondent No. 2, have settled the inter se disputes having been arisen between them, before the learned Mediator and the parties have settled all their disputes and bound themselves by the same. As such, continuation of proceedings, before the learned trial Court would be nothing, but, the abuse of process of law.

15. Husband of respondent No. 2, Kapil Dev has filed the petition for divorce, which is pending before the Court of learned Additional Principal Judge,

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Family Court-II, Una, District Una, H.P., which is stated to be fixed for 17.1.2026. The learned counsel for the parties have agreed to move an application for preponement of the case, before the learned Additional Principal Judge, Family Court-II, Una, District Una, H.P., today, i.e. on 31.12.2025, on which date, respondent No. 2 has agreed to make statement with regard to dissolution of her marriage with Kapil Dev.

16. When the aggrieved wife, who had put the criminal machinery into motion, by lodging the FIR, against her husband, and the petitioners, has settled the matter with them, although, by dissolving the marriage with Kapil Dev, then, chances of success of prosecution case, in this case, are not so bright.

17. Acceptance of the compromise will also save the precious judicial time of the learned trial Court, as the learned trial Court will be in a position to devote such time, for deciding some other serious disputes, pending before it.

18. Considering all these facts, the present petition is allowed and FIR No. 75 of 2020 dated 11.2.2020

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registered under Sections 406, 498A, 120-B and 34 of the IPC, with Police Station, Una, Sadar Una, H.P. and the proceedings resultant thereto, pending before the learned trial Court, are quashed.

19. The statements, so recorded, before this Court, before the learned Mediator, as well as, the statements made before the learned trial Court, shall form part of the judgment.

20. The present petition is allowed in the aforesaid terms. Pending miscellaneous application(s), if any, also stands disposed of.

(Virender Singh)
Judge

December 31, 2025

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