IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 865 of 2026
Date of Decision: 17.8.2026

Sunil Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Anr.

.....Respondents

Coram
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Rajendra Gulati and Ms. Madhurika Sekhon, Advocates.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.
Mr. Dixit Sahotra, Advocate, for respondent No.2.
HC Kush Sharma, PP Nohradhar, present with record.

Sandeep Sharma, J. *(Oral)*

By way of present petition, prayer has been made by the petitioner-accused for quashing of FIR No. 05 of 2023 dated 9.1.2023, registered at Police Station Sangrah, District Sirmaur, Himachal Pradesh, under Sections 354, 354-B & 504 of IPC along with consequential proceedings, pending in the competent court of law on the basis of compromise.

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2. Precisely, the facts of the case, as emerge from the pleadings as well as material adduced on record by respective parties, are that FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No. 2, who alleged that on 9.1.2023 at 6:00 PM, while she was working in her fields, petitioner-accused Sunil Kumar came there to graze his goats. Complainant alleged that when she objected as to why he was causing damage to her crops/fields, petitioner not only behaved indecently, but also gave her beatings and tore her clothes. In the aforesaid background, FIR came to be lodged against the petitioner-accused.

3. Though after completion of investigation, police has already presented challan in the competent Court of law, but before same could be taken to its logical end, parties have entered into compromise, whereby they have resolved to settle their dispute amicably *interse* them. In the aforesaid background, petitioner has approached this Court in the instant proceedings for quashing of FIR as well as consequential proceedings pending in the competent Court of law.

4. Pursuant to directions issued by this Court, respondent-State has filed status report under the signature of SHO, Police Station Sangrah, District Sirmaur, H.P., wherein factum of compromise has been duly acknowledged. Along with the aforesaid status report, police has also

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placed on record statement of the complainant, wherein she has categorically admitted factum of compromise arrived at *inter-se* her as well as the accused named in the FIR.

5. Complainant, Tara Devi, is also present in Court and is being represented by Mr. Dixit Sahotra, Advocate. She states on oath that she, of her own volition and without there being any external pressure, has entered into compromise with the petitioner, whereby both the parties have resolved to settle their dispute amicably *inter-se* them. She states that since FIR sought to be quashed is a result of misunderstanding coupled with the fact that petitioner-accused has already apologized for his behaviour and has undertaken not to repeat such act in future, she does not wish to prosecute the case further and shall have no objection in case FIR as well as consequential proceedings sought to be quashed are quashed and petitioner-accused is acquitted of the charges framed against him. While admitting contents of the compromise placed on record to be correct, she also admits her signature thereupon.

6. Having heard statement made on oath by respondent No.2-complainant, Mr. Rajan Kahol, learned Additional Advocate General states that no fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioner. He further

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states that otherwise also, chances of conviction are remote and bleak, on account of statement made by complainant, as such, he shall have no objection in case prayer made by the petitioner is accepted and FIR in question along with consequential proceedings is quashed and set aside and petitioner is acquitted.

7. The question which now needs consideration is whether FIR in question can be ordered to be quashed when Hon'ble Apex Court in **Narinder Singh and others** versus **State of Punjab and another** (2014)6 SCC 466 has specifically held that power under Section 482 CrPC (**now Section 528 BNSS**) is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society.

8. At this stage, it would be relevant to take note of the judgment passed by Hon'ble Apex Court in **Narinder Singh** (supra), whereby the Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred to above clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that power conferred under Section 482 of the Code is

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to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash criminal proceedings even in those cases which are not compoundable and where the parties have settled the matter between themselves, however, this power is to be exercised sparingly and with great caution. In para Nos. 29 to 29.7 of the judgment Hon'ble Apex Court has laid down certain parameters to be followed, while compounding offences.

9. Careful perusal of para 29.3 of the judgment suggests that such a power is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Apart from this, offences committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly arising out of commercial transactions or arising out of matrimonial relationship or family disputes may be quashed when the parties have resolved their entire disputes among themselves.

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10. The Hon'ble Apex Court in ***Gian Singh v. State of Punjab and anr. (2012) 10 SCC 303*** has held that power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent power is distinct and different from the power of a Criminal Court for compounding offences under Section 320 Cr.PC. Even in the judgment passed in **Narinder Singh's** case, the Hon'ble Apex Court has held that while exercising inherent power of quashment under Section 482 Cr.PC the Court must have due regard to the nature and gravity of the crime and its social impact and it cautioned the Courts not to exercise the power for quashing proceedings in heinous and serious offences of mental depravity, murder, rape, dacoity etc. However subsequently, the Hon'ble Apex Court in **Dimpey Gujral and Ors**. vs. **Union Territory through Administrator, UT, Chandigarh and Ors**. (2013(11 SCC 497 has further reiterated that continuation of criminal proceedings would tantamount to abuse of process of law because the alleged offences are not heinous offences showing extreme depravity nor are they against the society. Hon'ble Apex Court further observed that when offences of a personal nature, burying them would bring about peace and amity between the two sides.

11. Hon'ble Apex Court in its judgment dated 4th October, 2017, titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and**

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others versus **State of Gujarat and Another**, passed in Criminal Appeal No.1723 of 2017 arising out of SLP(Crl) No.9549 of 2016, reiterated the principles/ parameters laid down in **Narinder Singh's** case supra for accepting the settlement and quashing the proceedings.

12. Since parties have compromised the matter with each other and respondent No.2-complainant, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, is no more interested in pursuing the criminal prosecution of the petitioner, this court sees no impediment in accepting the prayer made on behalf of the petitioner for quashing of the FIR along with all consequential proceedings.

13. In the case at hand also, offences alleged to have been committed by the petitioner do not involve offences of moral turpitude or any grave/heinous crime, rather same are petty offences, as such, this Court deems it appropriate to quash the FIR as well as consequential proceedings thereto, especially keeping in view the fact that the petitioner and the complainant have compromised the matter *inter-se* them, in which case, possibility of conviction is remote/bleak and no fruitful purpose would be served in continuing with the criminal proceedings.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 05 of 2023 dated

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9.1.2023, registered at Police Station Sangrah, District Sirmaur, Himachal Pradesh, under Sections 354, 354-B & 504 of IPC along with consequential proceedings, is quashed and set aside. Accused is acquitted of the charges framed against him.

15. The petition stands disposed of in the aforesaid terms, along with all pending applications.

August 17, 2026 **(Sandeep Sharma),**
(manjit) **Judge**

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