IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.871 of 2026
Date of Decision: 13.08.2026

Monika and Others **.....Petitioners**

Versus

Parvi Busta and Another **.....Respondents**

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Mr. Santosh Kumar, Advocate.

For the Respondents: Mr. Aman Thakur, Advocate, for respondent No.1.

Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State.

SI Daleep Kumar, Incharge, Police Post Lakkar Bazar, Shimla, present in person along with record.

Sandeep Sharma, J. *(Oral)*

By way of present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made by the petitioners-accused **(for short 'accused')** for quashing of FIR No.57 of 2023, dated 04.03.2023, registered at Police Station Shimla Sadar, District Shimla, Himachal Pradesh, under Section 147, 148, 149 and 323 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 record are that FIR sought to be quashed in the instant proceedings, came to be registered at the behest of respondent No.2-Ms. Parvi Basta **(hereinafter, 'complainant')** (a student/activist of ABVP), who alleged that on 04.03.2023 at about 02:30 PM, while she along with other activists was eating momos outside the college gate near Kelston Road, certain outsiders/members belonging to the SFI student organization, namely Anil Thakur, Pawan, Nitish Rajta, Bhavna, Monika, Priya, Priyanka, Ankita, Aina, Pihu, Veena, Anjali, Vinas, Kiran, Raman, Prerna, Sakshi, Diksha, Aashish, and Kamal Dogra, unlawfully assembled and started misbehaving with them. She further alleged that the aforesaid persons, armed with sharp-edged weapons, launched an unprovoked attack upon them, resulting in serious and internal injuries to several students. In the afore background, FIR sought to be quashed came to be lodged against the petitioners.

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 resolved to settle their dispute amicably. In the afore background, petitioners have approached this Court in the instant proceedings for quashing of FIR as well as consequential proceedings pending in the competent Court of law.

4. Though, notices in the instant petition have not been issued to the respondents, but yet respondent-State, pursuant to the directions issued by this Court, has filed status report under the signature of the Station House

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Officer, Police Station Sadar, District Shimla, Himachal Pradesh, which is silent about compromise.

5. Complainant has come present in Court and is being represented by Mr. Aman Thakur, Advocate. Complainant states on oath that she of her volition and without there being any external pressure has entered into compromise with the petitioners/accused, whereby they have decided 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 accused, i.e. petitioners herein, have already apologized for their misbehavior and misconduct and have 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 in question as well as consequential proceedings pending in the competent Court of law are quashed and set aside and the petitioners are acquitted of the offences alleged in the FIR. While admitting contents of the compromise to be correct, she also admits her signatures thereupon. Her statement made on oath is taken on record.

6. Having heard statement made on oath by complainant, Mr. Rajan Kahol, learned Additional Advocate General, fairly states that no fruitful purpose would be served in case FIR as well as consequent proceedings, sought to be quashed, are allowed to sustain, rather that would unnecessarily widen the rift inter se petitioners and complainant. He further states that otherwise also, chances of conviction of petitioners-accused are

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very remote and bleak on account of the amicable settlement arrived *inter se* parties.

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 S. 482 CrPC 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 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

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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 statutes 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.

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

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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 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 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. In the case at hand also, offences alleged to have been committed by petitioners 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 parties 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.

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13. Since parties have compromised the matter with each other and 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 petitioners, this Court sees no impediment in accepting the prayer made on behalf of the petitioners for quashing of the FIR along with all consequential proceedings.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.57 of 2023, dated 04.03.2023, registered at Police Station Shimla Sadar, District Shimla, Himachal Pradesh, under Section 147, 148, 149 and 323 of IPC, along with consequential proceedings is quashed and set aside. Accused are acquitted of the charges framed against them.

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

August 13, 2026
Rajeev Raturi

(Sandeep Sharma),
Judge

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