(2026:HHC:47491)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1177 of 2026
Date of Decision: 29.10.2026

Shyam Thakur .....Petitioner

Versus

State of Himachal Pradesh & Anr. .....Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?[1]

For the Petitioner : Mr. Deepak Kaushal, Senior Advocate, with Mr. Gambhir Singh Chauhan, Advocate.

For the Respondents : Mr. Raj Pal Thakur, Additional Advocate General, for respondent No.1-State.

M/s. Ganesh Barowalia, Anamika Kohli & Verender Kumar, Advocates, for respondent No.2.

Chirag Bhanu Singh, Judge (Oral)

By way of the present petition, the petitioner, Shyam Thakur, has invoked the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS"), seeking the quashing of FIR No. 52 dated 10.09.2026, registered under Sections 64, 123 and 351(2) of the Bharatiya

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

Nyaya Sanhita, 2023, (in short "BNS") at Police Station Shillai, District Sirmaur, H.P.

2. In brief, it is the case of the petitioner/accused that the aforesaid FIR came to be registered against him by respondent No.2 on the allegations of having administered some intoxicating/poisonous substance to her and thereafter having sexually assaulted her and having clicked her objectionable photographs.

3. However, after the registration of the aforesaid FIR, respondent No.2 voluntarily clarified her stand and swore an affidavit on 23.09.2026 (Annexure P-2), stating that the aforesaid FIR had been registered due to some misunderstanding and misapprehension of facts. Respondent No. 2 further stated in the affidavit (Annexure P-2) that the petitioner had not committed any non-consensual sexual act with her nor had sexually assaulted her. He had also not administered any intoxicating/poisonous substance to her, nor had he taken any objectionable photographs of her. The affidavit (Annexure P-2) was stated to have been filed voluntarily and without any coercion from any person.

4. Notices have been issued to the parties.

5. Respondent No. 2 is present in person today. She has categorically deposed before the Court that no non-consensual sexual act or sexual assault was committed by the petitioner upon her. The affidavit dated 23.09.2026 bears her signature. The affidavit (Annexure P-2) and her deposition before the Court clearly shows that respondent No.2 has voluntarily sworn the affidavit and deposed accordingly before the Court today. No element of coercion is visible on record.

6. Keeping in view the age of respondent No. 2, who had admittedly crossed the age of discretion, and has categorically deposed that no non-consensual sexual activity was committed by the petitioner and that the FIR came to be registered due to some misunderstanding and misapprehension between the parties, the Compromise Deed (Annexure P-2) arrived at between the parties thus appears to have been executed voluntarily and without any element of coercion or undue influence, more particularly considering the fact that the petitioner has been in custody since the very registration of the aforesaid FIR.

7. It is by now fairly well settled that apart from quashing compoundable offences this Court also has sufficient power to quash even proceedings involving non-compoundable offences.

8. In view of the compromise entered inter se the parties, while exercising the inherent powers of this Court under Section 482 of Cr.P.C. this Court can quash the proceedings though having due regard to the nature and gravity of the crime and its impact on the society at large. Generally, heinous offenses of mental depravity, murder, rape, dacoity etc. may not come within the purview of the same, but offenses arising from commercial, financial, mercantile and civil, partnership, matrimonial or family disputes, where the wrong is basically private or personal in nature may be given a quietus, excising such powers.

9. The quashing of proceedings though must still not tantamount to the abuse of the process of law. The aforesaid proposition already stand answer by the *Hon'ble Supreme Court* in no uncertain terms in ***Gian Singh Vs. State of Punjab & Anr. (2012) 10 SCC 303.***

10. Thus seeing to the entire gamut of circumstances and the law discussed above, this Court is of the considered view that the continuation of the criminal proceedings, henceforth, would indeed tantamount to the abuse of the process of law, despite a settlement and a compromise having been entered between the parties. It would be in the interest of justice and fair play that the criminal proceedings are put to an end, moreso, keeping in view the burgeoning pendency of cases. The unwanted cases can be given a quietus enabling the Courts to give due weightage and time to the deserving cases on its docket. Seeing to the nature of allegations, gravity of the offence and keeping in view the fact that a matrimonial dispute was blown out of proportion and given a criminal colour, this Court will be well within its jurisdiction to quash the criminal proceedings against the accused and it is ordered accordingly.

11. As a squeal of the FIR No. 52 dated 10.09.2026, registered under Sections 64, 123 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, (in short "BNS") at Police Station Shillai, District Sirmaur, H.P. and consequential proceedings emanating thereof are quashed and set aside. The petitioner/accused is confined. In case the petitioner/accused is not required in any

other case, he may be released. Release warrants be prepared accordingly.

12. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, **Model Central Jail Nahan, District Sirmaur, H.P. and the learned Trial Court by FASTER.**

13. A downloaded copy of this order shall be accepted by the learned Trial Court while accepting the bail bonds from the petitioner and in case, said Court intends to ascertain the veracity of the downloaded copy of the order presented to it, same may be ascertained from the official website of this Court.

(Chirag Bhanu Singh)
Judge

29th October, 2026
(Shamsh Tabrez)

SHAMSH TABREZ

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