

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.: 112 of 2025

Decided on : 31.12.2025

Amit Kumar

...Petitioner

Versus

State of Himachal Pradesh & Another

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the petitioner : Petitioner in person, with Mr. Lovneesh Thakur, Advocate.

For the respondents : Mr. Mohinder Zharaick, Additional Advocate General, with Ms. Ranjna Patial and Ms. Avni Kochhar Mehta, Deputy Advocates General, for respondent No. 1-State.

Respondent No. 2 in person with Mr. Naresh K. Sharma, Advocate.

Virender Singh, Judge (oral).

Petitioner Amit Kumar has filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of FIR No. 29/2023, dated 21.03.2023, (hereinafter referred to as the FIR, in question), registered

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

with Police Station, Swarghat, District Bilaspur, H.P., under Sections 498-A, 323, 506 and 34 of the Indian Penal Code (hereinafter referred to as the 'IPC'), on merits, as well as, the proceedings resultant thereto, which are stated to be pending before the Court of learned Judicial Magistrate First Class, Court No. 1 Bilaspur, District Bilaspur, H.P. (hereinafter referred to as the 'trial Court').

2. However, during the pendency of the present petition, the matter has now been compromised, between the petitioner and respondent No.2.

3. Now, the relief of quashing has been sought, on the basis of the compromise, which has taken place between the petitioner and respondent No.2.

4. According to the petitioner, on the statement of respondent No.2, the FIR, in question, has been registered against him.

5. After registration of the FIR, the police has conducted the investigation and submitted the report under Section 173(2) Cr.PC, which is now pending adjudication before the learned trial Court.

6. According to the petitioner, during the pendency of the aforesaid case, respondent No. 2, has also filed the petition under Section 12(1)(a) of the Hindu Marriage Act for annulment of her marriage with him, before the Court of Principal Judge, Family Court Bilaspur. The said petition was allowed in favour of respondent No. 2, on 13.12.2025.

7. Thereafter, a compromise had also taken place between the petitioner and respondent No. 2. The terms and conditions of the compromise have been reduced into writing, which are Annexure A-2.

8. On the basis of the above facts, a prayer has been made that the FIR, in question, as well as, proceedings resultant thereto, pending before the learned trial Court, may kindly be quashed and set aside, qua the petitioners, by allowing the petition.

9. When put to notice, respondent No.1-State has filed the reply, mentioning therein the circumstances, in which, the FIR, in question, has been registered, at the instance of respondent No.2, as well as, the manner, in

which, the investigation has been conducted, by the police, in this case.

10. Respondent No. 2, who, at one point of time, had put the criminal machinery into motion, appeared before this Court and has stated that the petitioner, who is her husband, has filed the petition for quashing the FIR. Matter has been compromised between me and the petitioner, vide compromise Annexure P-2. The said compromise has been taken place between them due to the fact that since the petitioner was already married, as such, she filed the petition under Section 12(1)(a) of Hindu Marriage Act for annulment of her marriage with petitioner, before learned Principal Judge, Family Court Bilaspur, District Bilaspur, H.P. and the matter has been compromised between them and her marriage with the petitioner was annulled, on 13.12.2025. Thereafter, a compromise had taken place between her and petitioner and the compromise is Annexure A-2. She, in unequivocal terms, has deposed that she has no objection, in case, the petition is allowed, as prayed for.

11. Similar type of statement has also been made by the petitioner, on oath.

12. Heard.

13. Petitioner and respondent No.2, were married in the year 2023. Later on, respondent No. 2 came to know about the fact that petitioner Amit Kumar was already married. Due to the said fact, differences had arisen between them and due to the said fact, respondent No. 2, has lodged, the FIR, in question.

14. As per the stand taken by the parties, since, the matter has been compromised and the marriage of respondent No. 2 with petitioner was annulled under Section 12(1)(a) of Hindu Marriage Act, on 13.12.2025, by the Court of learned Principal Judge, Family Court Bilaspur, District Bilaspur, H.P. Copy of judgment dated 13.12.2025, is Ex. P-A, Statement of respondent No. 2 is Ex. P-B and the statement of petitioner is Ex. P-C. Thereafter, the matter has been compromised, between the parties. The terms and conditions of the compromise, have been placed on record as Annexure A-2.

15. The criminal machinery, in the present case, has been put into motion, by respondent No. 2, by lodging the FIR, in question. Now, as per the stand taken by the petitioner, as well as, respondent No. 2, they have compromised the matter, in view of the compromise, Annexure A-2

16. If, the statement of respondent No. 2, is considered, in the light of the compromise, then, this Court is of the view that the chances of success of the prosecution case, against the petitioner, are not so bright, as, the person, who, at one point of time, had put the criminal machinery into motion, now, in unequivocal terms, has deposed that the matter has been compromised and on the basis of the compromise, she does not want to continue with the case.

17. The primary purpose of the law is to maintain peace and harmony in the society. When, the petitioner and respondent No. 2 have buried all the disputes by compromising the matter, then, permitting the proceedings to continue, would be nothing, but, abuse of the process of law. As per the stand taken by the parties, marriage

between the petitioner and respondent No. 2, has now been annulled, by a decree, which was passed on the basis of compromise, between the parties. Meaning thereby, now, both of them are free to resettle in their life. If, respondent No. 2, who has now compromised the matter with petitioner, is forced to contest the litigation, as complainant, then the same would certainly affect her future matrimonial life.

18. Even otherwise, acceptance of the compromise, by this Court, will save the precious judicial time of the learned trial Court, which, the learned trial Court will be in a position to devote for the decision of some other serious matters, pending before it.

19. Considering all these facts, the petition is allowed and FIR, in question, as well as, the proceedings resultant thereto, which are stated to be pending before the learned trial Court, are ordered to be quashed.

20. The compromise deed, Annexure A-2, and the statements of the parties, recorded today, shall form part of the judgment.

21. Pending miscellaneous applications, if any, shall also stand disposed of accordingly.

(Virender Singh)
Judge

31st December, 2025
(Pramod Kumar)