

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

**Cr.MMO No.1221 of 2025
Date of Decision: 29.12.2025**

Ashwani Kumar

...Petitioner

Versus

State of H.P. & Anr.

.....Respondents

Coram:

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

Whether approved for reporting?¹

For the Petitioners : Petitioner in person with Mr. Piyush Dhanotia, Advocate.

For the Respondents : Mr. Mohinder Zharaick, Additional Advocate General, with Ms. Avni Kochhar, Deputy Advocate General, for respondent No.1.

Respondent No.2, in person with Mr. Anshul Gandhi, Advocate.

Virender Singh, Judge (Oral)

Petitioner has filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of **FIR.181 of 2019, dated 22.12.2019**, (hereinafter referred to as the FIR, in question), registered with **Police Station, Amb, District Una, H.P.**, under **Sections 354B, 341, 323 and 506 of the Indian Penal Code**, (hereinafter referred to as the 'IPC'), as well as, the proceedings resultant thereto, which are stated

¹ Whether reporters of Local Papers may be allowed to see the judgment?

to be pending before the Court of learned Additional Chief Judicial Magistrate, Court No.1, Amb, District Una, H.P. (hereinafter referred to as the 'trial Court').

2. The relief of quashing has been sought on the basis of the compromise, effected between the parties.

3. Brief facts of the case are that the petitioner is the husband of complainant/respondent No.2. She was married to the petitioner in the year 2008. On 22.12.2019, she had moved a complaint before the police mentioning therein, that one case under Section 498A, 406 IPC and one divorce petition were already under consideration, in the competent Court of law. It was alleged that on 22.12.2019, while, she was going back on her scooty, after taking the medicines at about 1:15 PM, the petitioner stopped the vehicle and started abusing respondent No.2. During conflict, he tried to disrobe her by opening the zip of jacket. Thereafter, respondent No.2 had lodged the FIR in question.

4. According to the petitioner, he had solemnized marriage with respondent No.2, in the year 2008. Thereafter, some matrimonial dispute had arisen between petitioner and respondent No.2, and subsequently, respondent No.2 had lodged the FIR, in question, against the petitioner.

5. It is the case of the petitioner that after registration of FIR, the police had investigated the matter and the final report, under Section 173(2) of CrPC, was submitted, which is pending adjudication, before the learned trial Court.

6. It is the further case of the petitioner that thereafter, petition, under Section 13(1)(ia) of the Hindu Marriage Act, was filed, before the Court of learned Additional Principal Judge-II, Family Court, Una, H.P., for dissolution of marriage of the petitioner and respondent No.2.

7. According to the petitioner, now, the matter has been compromised between the parties, vide Compromise Deed, Annexure P-4.

8. On the basis of the said compromise, a prayer has been made to allow the petition, by quashing the FIR, in question, as well as, the proceedings resultant thereto, pending before the learned trial Court.

9. When, put to notice, respondent No.1-State has filed the status report, 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. Today, respondent No.2-Jyoti Rani, has put appearance before this Court and made a statement, that her marriage was solemnized with the petitioner in the year 2008. However, after the marriage, due to non-compatibility of temperament, it was not possible for her to live in the matrimonial home with her husband (petitioner) and due to all these facts, she had lodged the FIR, in question, against the petitioner.

11. As per further deposition of respondent No.2, thereafter, a petition, under Section 13(1)(ia) of the Hindu Marriage Act, has been filed in the Court of learned Additional Principal Judge-II, Family Court, Una, District Una, H.P., for dissolution of her marriage, which was allowed on 06.03.2021.

12. Respondent No.2 has further deposed that the matter has been compromised between her and the petitioner and as such, she does not want to proceed further with the FIR, in question.

13. Apart from this, respondent No.2 has also shown her voluntariness and willingness to enter into the compromise with the petitioners, by stating that respondent No.2 has entered into the compromise with the petitioner voluntarily and without any influence from any person.

14. In addition to this, respondent No.2 has also deposed that she has no objection, in case, the present petition is allowed and the FIR, in question, as well as, the proceedings resultant, thereto, which are pending before the learned trial Court, are quashed.

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

16. Heard.

17. In this case, the criminal machinery was put into motion, by respondent No.2, by lodging the FIR, in question, against the petitioner, however, when, appeared before this Court, she has exonerated the petitioner from the allegations, as levelled, in this case.

18. Once, the person, who had put the criminal machinery into motion, has exonerated the petitioner from the allegations, by compromising the matter, then, the chances of success of prosecution case, against the petitioner, is not so bright.

19. When, the parties admittedly have decided to part their ways and buried all their disputes, by compromising the matter, vide Compromise Deed, Annexure P-4, then, permitting

the proceedings to continue would be nothing, but, abuse of the process of law.

20. The primary purpose of law is to maintain peace and harmony in the society. Acceptance of the petition would also give another opportunity to the petitioner, as well as, respondent No.2 to live peacefully in the society.

21. 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. Moreover, this Court is satisfied with the genuineness of the Compromise Deed, Annexure P-4, entered into between the parties.

22. Considering all these facts, the present petition is allowed and **FIR No.181 of 2019 dated 22.12.2019**, registered with **Police Station Amb, District Una, H.P.**, under **Sections 354B, 341, 323 & 506 of IPC**, as well as, the proceedings resultant thereto, pending before the Court of learned Additional Chief Judicial Magistrate, Court No.1, Amb, District Una, H.P, against the petitioner, are ordered to be quashed.

23. The settlement deed/compromise, Annexure P-4, and the statements of the parties, recorded in the Court, shall form part of the judgment.

24. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.

(Virender Singh)
Judge

December 29, 2025
(subhash)