

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MMO No. 1220 of 2025

Decided on : 29.12.2025

Ashwani Kumar

...Petitioner

Versus

State of H.P.& anr.

...Respondents

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Petitioner : Mr. Piyush Dhanotia,
Advocate.

For the Respondents : Mr. Mohinder Zharaick, Addl.
A.G. for respondent No.1.

Mr. Anshul Gandhi, Advocate,
for respondent No. 2.

Virender Singh, Judge (oral)

Petitioner has filed the present petition, under Section 528 of the Bhartiya Nagrik Suraksha Sanhita (hereinafter referred to as 'the BNSS') seeking quashing of FIR No. 110 of 2019, dated 4.8.2019, registered under Sections 498-A, 406, 323, 504 and 506 of the Indian Penal Code (hereinafter referred to as

‘the IPC’) with Police Station, Amb, District Una, H.P., as well as, the proceedings resultant thereto, pending in the Court of learned Additional Chief Judicial Magistrate, Court No. 1, Amb, District Una, H.P. (hereinafter referred to as ‘the trial Court’), in view of the compromise, having been effected, between the petitioner and respondent No. 2.

2. According to the petitioner, FIR in question was registered against him at the instance of respondent No. 2, due to matrimonial dispute, having been arisen between petitioner and respondent No. 2.

3. After registration of the FIR, the criminal machinery swung into motion. After completion of the investigation, report under Section 173(2) of Cr. P.C. was submitted in the trial Court.

4. During the pendency of the case, before learned trial Court, the parties have settled the matter. As per settlement, marriage between petitioner and respondent No. 2 has already been dissolved, vide judgment and decree, dated 6.3.2021, by the learned Additional Principal Judge-II, Family Court, Una, H.P.

5. On the basis of above, a prayer has been made to allow the present petition.

6. When put to notice, respondent No. 1 has filed the status report, disclosing therein the manner, in which, the FIR in question has been registered and the Police has investigated the matter and submitted report under Section 173(2) Cr. P.C., before the learned trial Court.

8. Today, the person, who, at one point of time, had levelled the allegations, against the petitioner, i.e. respondent No. 2, appeared and stated, on oath, that she was married to petitioner and thereafter, dispute had arisen between them, out of matrimonial discord. Thereafter, according to her, she had lodged FIR against the petitioner, in which, police has conducted the investigation and submitted the report under Section 173(2) of the Cr. P.C., which is pending before the learned trial Court.

9. According to respondent No. 2, she and petitioner have parted their ways, by dissolving their marriage. She has deposed that she has no claim

whatsoever, with regard to past, present and future maintenance, towards the petitioner, and all the disputes between her and the petitioner, have now been resolved.

10. On the basis of compromise, Annexure P-4, she has categorically stated that she has no objection, in case the FIR, as well as, proceedings resultant thereto, pending before the learned trial Court, are quashed.

11. Similar type of statement has also been made by the petitioner, in which, he has also reiterated that he is governed by the terms and conditions of the compromise, Annexure P-4.

12. Heard.

13. Parties to the present lis, i.e. petitioner and respondent No. 2 have settled the inter se disputes having been arisen between them, by dissolving their marriage. The compromise is Annexure P-4, according to which the parties have settled all their disputes and bound themselves by the same. As such, continuation

of proceedings, before the learned trial Court is nothing, but, the abuse of process of law.

14. When the aggrieved wife, who had put the criminal machinery into motion, by lodging the FIR, against her husband, i.e. petitioner, has settled the matter with him, although, by dissolving the marriage with him, then, chances of success of prosecution case, in this case, are not so bright.

15. Acceptance of the compromise will also save the precious judicial time of the learned trial Court, as the learned trial Court will be in a position to devote such time, for deciding some other serious disputes, pending before it.

16. Considering all these facts, the present petition is allowed and FIR No. 110 of 2019, dated 4.8.2019, registered under Sections 498A, 406, 323, 504 and 506 of the IPC, with Police Station, Amb, District Una, H.P. and the proceedings resultant thereto, pending before the learned trial Court, are quashed.

17. The statements, so recorded, before this Court, as well as, compromise Annexure P-4, shall form part of the judgment.

18. The present petition is allowed in the aforesaid terms. Pending miscellaneous application(s), if any, also stands disposed of.

(Virender Singh)
Judge

December 29, 2025

Kalpana