

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No. : 1244 of 2025

Decided on : 30.12.2025

Amardeep

...Petitioner

Versus

State of Himachal Pradesh & Others

...Respondents

Coram

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

Whether approved for reporting?¹

For the petitioner : Petitioner in person with Mr. Vijender Katoch, Advocate.

For the respondents : Ms. Avni Kochhar Mehta, Deputy Advocate General for respondent No.1.

Respondents No.2 and 3, in person with Mr. Kapil Sharma, Mr. Shivanshu and Mr. Khem Raj, Advocates.

Virender Singh, Judge (oral)

Petitioner-Amardeep has filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), for quashing of FIR No.97 of 2024, dated 06.05.2024 (hereinafter referred to as the FIR, in question), registered with Police Station, Sadar Mandi, District Mandi, H.P., under Sections 354, 509, 506, 323 and 427 of the Indian

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

Penal Code (hereinafter referred to as the 'IPC'), as well as, the proceedings resultant thereto, which are stated to be pending before the Court of learned Sessions Judge, Mandi, District Mandi, H.P. (hereinafter referred to as the 'trial Court').

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

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

4. After registration of the FIR, the police has conducted the investigation and submitted the final report in the learned trial Court, under Sections 307, 354, 509, 506, 323 and 427 of the IPC. When the matter was pending before the learned trial Court, the petitioner has filed the present petition for quashing of the FIR, in question.

5. According to the petitioner, during the pendency of the proceedings before the Court of learned

Sessions Judge, Mandi, the matter has been compromised with respondents No.2 and 3.

6. The terms and conditions of the compromise have been reduced into writing, vide compromise deed Annexure P-3.

7. 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, by allowing the petition.

8. When put to notice, respondent No.1-State has filed the status report, mentioning therein, that on 05.05.2024, at about 7.25 p.m., at place Uggi (Simbal), respondent NO.2-complainant has made a statement under Section 154 Cr.PC, that she, along with her mother (respondent No.3), was standing on the road with her scooty, bearing registration No.HP33D-6005, after fetching water from natural source. Meanwhile, petitioner came there on his four wheeler Goods Carrier, bearing registration No.HP65 3412 and struck against her Scooty, due to which, she and her mother had sustained injuries.

Petitioner was under intoxication. Thereafter, the petitioner was asked about the incident, who, in turn, has threatened them, abused and insulted. Thereafter, the petitioner attacked upon the complainant and tried to outrage her modesty. As such, she had lodged the FIR, in question.

9. Respondent No.2, who, at one point of time, had put the criminal machinery into motion, appeared before this Court and has deposed that she had lodged the FIR, in question, against the petitioner and now, she has compromised the matter with the petitioner, out of her free will, consent and without any pressure. She has also admitted her signature on Annexure P-3. She, in unequivocal terms, has deposed that she has no objection, in case, the petition is allowed, as prayed for.

10. Similar type of statement has also been made by the petitioner, as well as, respondent No.3, on oath.

11. Heard.

12. No doubt, the petitioner has been named as accused, in a case, under Section 307 IPC, which is serious in nature, but, respondent No.2, as well as, the petitioner

have now compromised the matter, in order to maintain their cordial relations.

11. The person, who has put the criminal machinery into motion, is respondent No.2. Respondent No.2, while appearing, before this Court, has categorically deposed that the matter has been compromised, between the parties.

12. In such situation, the question, which arises for determination, before this Court is about the fact as to whether the case registered under Section 307 of IPC, can be quashed on the basis of compromise, so arrived at between the parties, as this objection has vehemently been raised by the learned Additional Advocate General.

13. To buttress his contention, learned Additional Advocate General, has relied upon the decision of Hon'ble Apex Court in ***State of Madhya Pradesh versus Laxmi Narayan & others***, reported in ***(2019) 5 Supreme Court Cases 688***.

14. The Hon'ble Apex Court in ***Laxmi Narayan's*** case (supra), has not created absolute prohibition on the High Court to exercise power under Section 482 Cr.P.C./

528 of BNSS. In this regard, it is apt for this Court to rely upon paragraphs 14 and 15.4 of the judgment, which are reproduced, as under:

“14. Now so far as the conflict between the decisions of this Court in the cases of Narinder Singh (supra) and Shambhu Kewat (supra) is concerned, in the case of Shambhu Kewat (supra), this Court has noted the difference between the power of compounding of offences conferred on a court under Section 320 Cr.P.C. and the powers conferred under Section 482 Cr.P.C. for quashing of criminal proceedings by the High Court. In the said decision, this Court further observed that in compounding the offences, the power of a criminal court is circumscribed by the provisions contained in Section 320 Cr.P.C. and the court is guided solely and squarely thereby, while, on the other hand, the formation of opinion by the High Court for quashing a criminal proceedings or criminal complaint under Section 482 Cr.P.C. is guided by the material on record as to whether ends of justice would justify such exercise of power, although ultimate consequence may be acquittal or dismissal of indictment. However, in the subsequent decision in the case of Narinder Singh (supra), the very Bench ultimately concluded in paragraph 29 as under:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. 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 the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.

However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions 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. Similarly, for the offences alleged to have been committed under special statute 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.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its

decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code,

as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

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15.4 offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation.

Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder

Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove”

(self emphasis supplied)

15. Judging the facts and circumstances of the present case, in the light of the decision of Hon'ble Supreme Court, in **Laxmi Narayan's** case (supra), this Court is of the view that it is a case, where evidence has yet not been recorded, as such, there is no absolute prohibition for quashing the FIR, even if the same is registered under Section 307 IPC. Moreover, the injury on the person of Chetna and Sarswati is not on their vital parts and there is nothing on the file/reply to show that there was any intention or knowledge on the part of the accused to cause death.

16. Respondent No.2 Chetna has categorically stated, in her statement, that at the relevant time, they were having the land dispute with the petitioner and now, the said dispute has been settled. She has categorically stated that the allegations were levelled against the petitioner, on account of civil dispute, which has now been settled. Similar type of statement has also been made by

her mother, respondent No.3-Saraswati Devi. Both of them, in unequivocal terms, have stated that injuries on their persons, were simple in nature.

17. In such situation, it seems that Section 307 IPC was added, on account of animosity, between the parties. There is nothing on the record to justify that the ingredients of Section 307 IPC are made out against the petitioner.

18. Even otherwise, this Court is satisfied with the genuineness of the compromise, Annexure P-3, entered into between the parties.

19. Moreover, the primary purpose of the law is to maintain peace and harmony in the society. When, the complainant, who has lodged the FIR, in question, has compromised the matter, chances of success of the prosecution case, in the trial, pending before the learned trial Court, are not so bright.

20. When, the parties have compromised the matter, then the sincere efforts made by them, must be acknowledged by the Court by accepting the petition for quashing of FIR.

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.

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

23. The compromise deed, Annexure P-3, and the statements of the parties, recorded today, shall form part of the judgment.

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

December 30, 2025_(ps)

(Virender Singh)
Judge