

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**Cr.MMO No.351 of 2026****Reserved on 10.09.2026****Decided on 15.09.2026****Uploaded on:- 15.09.2026**

Aditya Sharad

...Petitioner

Versus

State of H.P. & Anr.

...Respondents

Coram**Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.****Whether approved for reporting?¹**

For the petitioner: Mr. B.L. Soni and Mr. Nitin Soni, Advocates.For the respondents: Mr. Rajpal Thakur, Additional Advocate
General, for respondent No.1-State.Mr. R.K. Bawa, Senior Advocate (through
VC), assisted by Mr. Ajay Kumar Sharma,
Advocate, for respondent No.2.

Chirag Bhanu Singh, Judge

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking the quashing of FIR No.8 of 2022, dated 04.04.2022, registered under Sections 498A, 323 and 34 of IPC, at Women Police Station Chamba, District Chamba, H.P., and all the consequent proceedings pending before the Court of learned Chief Judicial Magistrate Chamba, District Chamba, H.P.

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

2. The simple case setup by the petitioner is that in pursuance to the compromise effected between the parties, who happen to be husband and wife, the present petition has been preferred. Their marriage came to be solemnized in the year 2013, as per Hindu rites and ceremonies. However, due to some differences, which cropped up between them, they started leaving separately, since the year 2022. Unfortunately, their relations went sour resulting in the culmination of the present FIR.

3. Due to the intervention of the close family and friends, the parties resolved their differences and entered into a compromise on 01.03.2025. In pursuance to the compromise, the parties also sought dissolution of their marriage by mutual consent, under Section 13-B of Hindu Marriage Act.

4. During the course of the proceedings before this Court, the learned Additional Principal Judge, Family Court, Chamba, has granted the decree of divorce, under Section 13-B of the Hindu Marriage Act. Some differences, which were required to be ironed out in respect of some liabilities, as co-borrowers, while having taking loan and transferring the vehicle in the name of one of them also stands completed. Separate statements of both the parties came to be

recorded on 08.05.2026 and eventually, all modalities thereof have literally been completed.

5. Since the parties have dissolved the marriage by way of mutual consent and proceedings thereof have already culminated under Section 13-B of Hindu Marriage Act, the parties have prayed for quashing the present FIR. In this regard, the parties have placed on record the compromise deed, (Annexure P-1).

6. Both the parties are present in the Court today and they have stated on oath that they have finally resolved to break the union once and for all and part company for good. The proceedings in this behalf are stated to be have eventually culminated before the learned Additional Principal Judge, Family Court Chamba, District Chamba, H.P. It is thus, apparent that the marriage between the parties have broken down beyond repair and they have decided to quit the union. The FIR, which had come to be registered at the time, when the relations between the parties have gone for the worst. Now, since they have decided to part company once and for all, no fruitful purpose would be served in keeping the FIR, pending. It is more than apparent that the compromise in these terms also stands effected and that too

voluntarily. Both the parties vouch for the same today in the Court too.

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

8. In view of the compromise so entered *inter se* the parties, while exercising the inherent powers of this Court under Section 528 of Cr.P.C., this Court can indeed 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, exercising such powers.

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

10. In the case at hand, since the parties happen to be husband and wife, who have already decided to part ways, no effective purpose would be served in continuing with the criminal litigation. Since the dispute has been settled by the parties voluntarily and separate statements in this behalf already stand recorded and placed on the file, so it would indeed be, in the interest of justice and fair play that the criminal proceedings are put to an end, more so, 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.

11. Seeing to the nature of allegations and gravity of the offences mentioned in the FIR, which are purely personal in nature, this Court will be well within its jurisdiction to quash the criminal proceedings against the accused and it is ordered accordingly.

12. As a squeal, thereof FIR No.8 of 2022, dated 04.04.2022, registered for the commission of offences punishable under Sections 498-A, 323 & 34 of IPC, at Women Police Station, Chamba, District Chamba, H.P. and all the consequential proceedings arising out of the said FIR, pending before the learned

Chief Judicial Magistrate, Chamba, District Chamba, H.P., are quashed and set aside. Ordered accordingly.

13. Accordingly, the petition is disposed off, so also the pending application(s),if any.

(Chirag Bhanu Singh)
Judge

15th September, 2026
(subhash)