

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.469 of 2025
Date of Decision: 08.07.2026

Jaswinder Kaur and Another

.....Petitioners

Versus

State of Himachal Pradesh and Others

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Mr. Surinder Saklani, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State.

Ms. Reeta Hingmang, Legal Aid Counsel, for respondent No.2.

Mr. Devender K. Sharma, Advocate, for respondent No.3.

Sandeep Sharma, J. *(Oral)*

By way of present petition filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, prayer has been made by the petitioners-accused **(for short 'accused')** for quashing of FIR No.224 of 2022, dated 19.10.2022, registered at Police Station Haroli, under Section 498-A read with Section 34 of IPC, along with consequential proceedings pending in the competent Court of law.

2. Averments contained in the petition, which are duly supported by affidavit, as well as documents annexed therewith, reveals that marriage

inter se respondent No.3-Ms. Seema and respondent No.2-Mr. Pradeep Singh was solemnized on 03.01.2022 at Hoshiarpur, Punjab, as per Hindu rites and customs. However, since on account of some matrimonial discord, parties were unable to live together, respondent No.2 started living separately after August 2022. Respondent No.2 lodged FIR, sought to be quashed, alleging therein that she was being harassed constantly by her husband, mother-in-law and brother-in-law for bringing less dowry. She also alleged that on many occasions, she was given beatings. In the afore background, FIR came to be lodged against the petitioners as well as proforma respondent No.3.

3. Though after completion of investigation, Police has already presented Challan in the competent Court of law, but before same could be taken to its logical ends, petitioners approached this Court in the instant proceedings for quashing of FIR on the ground that no case much less under Section 498-A read with Section 34 of IPC is made out.

4. Having regard to the nature of dispute *inter se* parties, this Court, on the joint request of learned counsel representing the parties, deemed it necessary to summon both the parties for exploring the possibility of amicable settlement. Parties came present before this Court and thereafter the matter was referred to mediation. It is heartening to note that with the sincere efforts put in by Mr. Naresh Kumar Sood, Senior Advocate, who acted as Mediator, parties have been able to resolve their dispute amicably *inter se* them. Careful perusal of order dated 23.06.2026 passed by the learned

Mediator, which is made part of the instant judgment, reveals that respondents No.2 and 3, who happen to be wife and husband, have decided to get their marriage dissolved by way of mutual consent by filing joint petition under Section 13-B of the Hindu Marriage Act in the competent Court of law. Since parties before their separation lastly resided in District Una, respondents No.2 and 3 shall be filing divorce petition under Section 13-B of the Hindu Marriage Act before the learned Family Court at Una.

5. As per compromise, sum of ₹3,00,000/- in cash has been handed over to respondent No.2-Ms. Seema before this Court, which fact has been duly acknowledged by respondent No.2 as well as her lawyer Ms. Reeta Hingmang, Advocate. Besides above, respondent No.3 has also handed over gold ornaments, i.e. 2 rings and 1 earrings/tops, to respondent No.2. It has been categorically stated by parties before the learned Mediator that in terms of compromise arrived *inter se* them, they shall withdraw all the cases filed by them against each other and in pursuance thereof, FIR sought to be quashed in the instant proceedings can also be quashed.

6. Respondent No.2-Ms. Seema, who is present in Court and is being represented by Ms. Reeta Hingmang, Advocate, states on oath that she of her own volition and without there being any external pressure has entered into compromise, whereby she as well as respondent No.3, i.e. Mr. Pradeep Singh @ Deepa, have decided to get their marriage dissolved by way of mutual consent. She states that in term of compromise, she has received sum of ₹3,00,000/- in cash as well as gold ornaments, as detailed in the

compromise, and as such, from today onwards, she shall have no claim of any kind against petitioners as well as respondent No.3. She states that she shall file joint petition with respondent No.3 under Section 13-B of the Hindu Marriage Act in the competent Court of law for getting their marriage dissolved by way of mutual consent. She states that since she as well as respondent No.3 have already compromised the matter, she does not wish to prosecute the case further and shall have no objection in case FIR in question as well as consequential proceedings pending in the competent Court of law are quashed and set aside and the petitioners are acquitted of the offences alleged in the FIR. Her statement made on oath is taken on record.

7. Respondent No.3-Mr. Pradeep Singh @ Deepa, who is present in Court, also states on oath that he, of his own volition and without there being any external pressure, has entered into compromise with respondent No.2, i.e. Ms. Seema, whereby they have decided to get their marriage dissolved by way of mutual consent. He states that in term of compromise, he has already handed over sum of ₹3,00,000/- in cash as well as gold ornaments, as detailed in the compromise, to respondent No.2 and now, he along with respondent No.2 shall file joint petition under Section 13-B of the Hindu Marriage Act in the competent Court of law for dissolution of their marriage. He states that from today onwards, he shall have no claim of any kind against respondent No.2 and case, if any, filed by him against respondent No.2 shall also be withdrawn. His statement made on oath is also taken on record.

8. Mr. Vishal Panwar, learned Additional Advocate General, after having gone through the order dated 23.06.2026 passed by the learned Mediator as well as statements made on oath by respondents No.2 and 3, fairly states that no fruitful purpose would be served in case FIR as well as consequent proceedings, sought to be quashed, are allowed to sustain, rather that would unnecessarily widen the rift inter se petitioners and complainant. He further states that otherwise also, chances of conviction of petitioners-accused is very remote and bleak on account of the amicable settlement arrived *inter se* parties.

9. The question which now needs consideration is whether FIR in question can be ordered to be quashed when Hon'ble Apex Court in **Narinder Singh and Others** versus **State of Punjab and another** (2014)6 SCC 466 has specifically held that power under S. 482 CrPC is not to be exercised in the cases 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.

10. At this stage, it would be relevant to take note of the judgment passed by Hon'ble Apex Court in **Narinder Singh** (supra), whereby the Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred to above clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that 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 criminal proceedings even in those cases which are not compoundable and where the parties have settled the matter between themselves, however, this power is to be exercised sparingly and with great caution. In Para Nos.29 to 29.7 of the judgment Hon'ble Apex Court has laid down certain parameters to be followed, while compounding offences.

11. Careful perusal of para 29.3 of the judgment suggests that such a power is not to be exercised in the cases 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. Apart from this, offences committed under special statutes 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. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly arising out of commercial transactions or arising out of matrimonial relationship or family disputes may be quashed when the parties have resolved their entire disputes among themselves.

12. The Hon'ble Apex Court in ***Gian Singh v. State of Punjab and anr. (2012) 10 SCC 303*** has held that power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent

power is distinct and different from the power of a Criminal Court for compounding offences under Section 320 Cr.PC. Even in the judgment passed in **Narinder Singh's** case, the Hon'ble Apex Court has held that while exercising inherent power of quashment under Section 482 Cr.PC the Court must have due regard to the nature and gravity of the crime and its social impact and it cautioned the Courts not to exercise the power for quashing proceedings in heinous and serious offences of mental depravity, murder, rape, dacoity etc. However subsequently, the Hon'ble Apex Court in **Dimpey Gujral and Ors. vs. Union Territory through Administrator, UT, Chandigarh and Ors.** (2013) 11 SCC 497 has further reiterated that continuation of criminal proceedings would tantamount to abuse of process of law because the alleged offences are not heinous offences showing extreme depravity nor are they against society. Hon'ble Apex Court further observed that when offences of a personal nature, burying them would bring about peace and amity between the two sides.

13. Hon'ble Apex Court in its judgment dated 4th October, 2017, titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others** versus **State of Gujarat and Another**, passed in Criminal Appeal No.1723 of 2017 arising out of SLP(Crl) No.9549 of 2016, reiterated the principles/parameters laid down in **Narinder Singh's** case supra for accepting the settlement and quashing the proceedings.

14. In the case at hand also, offences alleged to have been committed by petitioners do not involve offences of moral turpitude or any

grave/heinous crime, rather same are petty offences, as such, this Court deems it appropriate to quash the FIR as well as consequential proceedings thereto, especially keeping in view the fact that parties have compromised the matter *inter se* them, in which case, possibility of conviction is remote/bleak and no fruitful purpose would be served in continuing with the criminal proceedings.

15. Since parties have compromised the matter with each other and complainant, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, is no more interested in pursuing the criminal prosecution of the petitioners, this Court sees no impediment in accepting the prayer made on behalf of the petitioners for quashing of the FIR along with all consequential proceedings.

16. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (*supra*), FIR No.224 of 2022, dated 19.10.2022, registered at Police Station Haroli, under Section 498-A read with Section 34 of IPC, along with consequential proceedings is quashed and set aside. Accused are acquitted of the charges framed against them.

17. Before parting, this Court, having taken note of compromise arrived *inter se* parties and with a view to do complete justice, deems it fit to direct respondents No.2 and 3 to file joint petition under Section 13-B of the Hindu Marriage Act before the learned Family Court at Una, within a period of one week and thereafter, Court concerned shall decide the same expeditiously. Ordered accordingly. Needless to say, marital relations *inter se*

respondents No.2 and 3 have broken irretrievably and there is no possibility of rapprochement, as is evident from the facts and circumstances recorded in the earlier part of the judgment and as such, this Court hopes and trusts that learned Family Court while doing the needful shall waive off the 'cooling period' and proceed to pass final order on the joint petition under Section 13-B of the Hindu Marriage Act, after recording the statements of respondents No.2 and 3.

The petition stands disposed of in the aforesaid terms, along with all pending applications.

July 08, 2026
Rajeev Raturi

**(Sandeep Sharma),
Judge**