

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 501 of 2026

Reserved on: 1.10.2026

Date of Decision: 9.10.2026.

Abhas Khan

.... Petitioner

Versus

State of HP & Anr.

.... Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr Servedaman Rathour,
Advocate.

For Respondent No.1/State : Mr Ajit Sharma, Deputy
Advocate General.

For Respondent No.2 : Mr Ashok Kumar, Advocate.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 39 of 2026, dated 06.03.2026, registered at Police Station, Majra, District Sirmour, H.P. for the commission of offences punishable under Sections 126(2), 115(2), 191(2), 191(3), 190, 324(4) and 140(3) of the Bharatiya Nyaya Sanhita

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

(BNS) against the petitioner, based on a compromise between the parties.

2. It has been asserted that the parties have settled the matter amongst themselves and the informant/victim does not want to proceed further with the matter after the compromise.

3. The statement of Wasim Khan (informant) was recorded on 17.06.2026. The statements of Ayub Khan (father of Zakaria Khan, victim) and Parvez (another victim) were recorded on 15.07.2026, wherein they stated that they had entered into a compromise voluntarily, without any influence or pressure, and that they do not want to proceed further with the matter after the compromise.

4. A copy of the birth certificate has been filed, which shows that Zakaria Khan, son of Ayub Khan, was born on 23.6.2011. Therefore, he is a minor as on date.

5. I have heard learned counsel for the parties and have gone through the records carefully.

6. Section 359(4)(a) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) provides that when a person who would otherwise be competent to compound an offence is a child or of

unsound mind, any person competent to contract on his behalf may compound such offence. The offences punishable under Sections 126(2), 115(2), and 324(4) are compoundable under Section 359 of the BNSS. Section 359(3) provides that when an offence is compoundable under this section, and a person is liable under Section 190 of the BNS, the offences may be compounded. Therefore, the offences punishable under Sections 126(2), 115(2), and 324(4) of the BNS can be compounded under Section 359 of the BNSS.

7. The offences punishable under Sections 191(2), 191(3) and 140 correspond to Sections 147, 148, and 365 of the Indian Penal Code. This Court has quashed the F.I.R. registered for the commission of offences punishable under Sections 147 and 148 of IPC, *inter alia in Sivo Devi vs others vs State of HP 2023 (2), Shimla Law Cases 949, Umesh Kumar vs State Kumar HP 2022 STPL 10721, Satish Kumar State of H.P. 2022 STPL 10703, Inderjeet vs State of H.P. 2022(2) Himachal Law Reporter 1217 and Subhash Verma vs State of H.P. 2021 (3) Shimla Law Cases 1146* based on the compromise effected between the parties. These judgments are binding on this Court.

8. In view of the above, the present petition is allowed, and FIR No. 39 of 2026, dated 06.03.2026, registered at Police Station, Majra, for the commission of offences punishable under Sections 126(2), 115(2), 191(2), 191(3), 190, 324(4), and 140(3) of the BNS and consequential proceedings arising out of the FIR are ordered to be quashed.

9. Petition stands disposed of in the above terms, so also pending miscellaneous applications, if any.

10. Parties are permitted to produce a copy of this judgment, downloaded from the webpage of the High Court of Himachal Pradesh, before the authorities concerned, and the said authorities shall not insist on the production of a certified copy, but if required, may verify the passing of the order from the Website of the High Court.

(Rakesh Kainthla)
Judge

9th October, 2026
(Chander)