

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 506 of 2026
Date of Decision: 05.10.2026

Brijeshwar Kashyap

....Petitioner

Versus

State of Himachal Pradesh & Ors.

....Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting.

For the petitioner : Mr. Sudhir Thakur, Senior Advocate, with Mr. Karun Negi, Advocate.

For the respondents : Mr. Lokender Kuthelria, Additional Advocate General, for respondent No.1-State.

Mr. Sohail Khan, Advocate, for respondent No.2.

Chirag Bhanu Singh, Judge(Oral)

The petitioner has invoked the jurisdiction of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 40 of 2025, dated 13.10.2025, registered at Woman Police Station Solan, District Solan, H.P., under Sections 69 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as the "Act").

2. Initially, the petitioner had preferred the petition contending that since he was married, the allegations of sexual assault based on a false promise of marriage were apparently ill-

founded and misconceived. It was also averred by the petitioner that there was a monetary dispute between them and he was falsely alleged to have taken Rs. 3-4 lakhs from the respondent No.2 (complainant).

3. However, it seems that during the pendency of the present proceedings, the parties decided to compromise the matter. In pursuance thereto, the parties have filed a compromise deed, which was placed on record in a sealed cover. As per the compromise, placed on record, the petitioner has paid an amount of Rs. 4 lakhs by way of demand draft to respondent No.2 towards the full and final settlement of the monetary dispute between the parties.

4. The parties are present in the Court today. Both of them have affirmed the compromise inter se them and have identified their signatures on the compromise deed and have specifically averred that the compromise has been effected voluntarily and without any coercion or undue influence from any quarter. A copy of the compromise deed has been placed on record.

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

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

7. In view of the compromise entered *inter se* the parties, while exercising the inherent powers of this Court under Section 482 of Cr.P.C. this Court can 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 involving 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*, excising such powers.

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

9. In the case at hand, both the parties have unequivocally submitted that the matter has been compromised between the complainant and the petitioner. The allegations *prima facie* appear to stem from the fact that certain financial transactions had gone bad between the parties. Since both were married and apparently were in a relationship, the relationship having gone sour, the FIR had come to be registered. It cannot be ruled out that some financial dispute also existed between them. The FIR being an exaggerated or embellished version thus also cannot be ruled out. Both being married even earlier, it seems that the dispute has been voluntarily compromised between the parties.

10. Thus seeing to the entire gamut of circumstances and the law discussed hereinabove, this Court is of the considered view that the continuation of the criminal proceedings, henceforth, would indeed tantamount to the abuse of the process of law, despite a settlement and a compromise having been entered between the parties. It would be in the interest of justice and fair play that the criminal proceedings are put to an end, moreso, 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. Seeing to the nature of allegations and gravity of the offence this Court will be well within its jurisdiction to quash the criminal proceedings against the accused and it is ordered accordingly.

11. As a sequel of the FIR No. 40 of 2025, dated 13.10.2025, registered at Woman Police Station Solan, District Solan, H.P., under Sections 69 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 and consequential proceedings emanating thereof are quashed and set aside. Ordered accordingly.

12. Petition stand disposed off in the aforesaid terms, so also the pending application, if any.

(Chirag Bhanu Singh)

Judge

05th October, 2026
(Shamsh Tabrez)