

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.831 of 2026
Date of Decision: 10.08.2026

Mohit Kumar

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. N.K. Thakur, Senior Advocate with Mr. Divya Raj Singh, 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.

Mr. Anuraj, Advocate, for respondent No.2.

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.29 of 2025 dated 28.09.2025, registered at Police Station Kheri, District Chamba, Himachal Pradesh under Section 64 of Bharatiya Nyaya Sanhita and Section 6 of Protection of Children from Sexual Offences Act, along with consequential proceedings pending in the competent Court of law, on the basis of compromise.

2. Precisely, the facts of the case, as emerge from the record are that FIR sought to be quashed in the instant proceedings, came to be

lodged on the basis of telephonic call made by Dr. Arun Kumar, Medical Officer, PHC Brangal, PO Bhalei, Tehsil Salooni, District Chamba, Himachal Pradesh, thereby informing the police with regard to pregnancy of minor girl. Aforesaid doctor reported to the police that minor girl, who had been brought to the hospital for treatment, was found to be pregnant with a gestational age of 17 weeks and 5 days, i.e. approximately four months and five days. After receipt of aforesaid information, Police recorded the statement of the victim-prosecutrix under Section 173 of Bharatiya Nagarik Suraksha Sanhita, wherein she stated that she has already solemnized marriage with the accused and at present, is living happy married life with her husband. She also stated that she had been blessed with a child born out of the said wedlock. Since the victim-prosecutrix was a minor at the time of the alleged commission of the offence, FIR sought to be quashed in the instant proceedings came to be registered against the accused.

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 end, parties to the *lis* have decided to settle the dispute amicably *inter se* them by way of compromise placed on record and as such, accused has approached this Court in the instant proceedings, praying therein to quash and set aside the FIR as well as consequent proceedings pending before the competent Court of law.

4. Pursuant to directions issued by this Court, respondent-State has filed status report issued under the signatures of SHO PS Kheri,

District Chamba, Himachal Pradesh, wherein factum of compromise *inter se* parties has been duly acknowledged. It has been averred in the status report that victim-prosecutrix, who has attained majority, is residing with her in-laws and has also been blessed with a child and as such, she does not wish to prosecute the case further.

5. Victim-prosecutrix (*name withheld to protect her identity*) has come present before this Court and is represented by Mr. Anurag, Advocate. She states on oath that she of her own volition and without any external pressure had entered into compromise with the accused, whereby they have decided to settle the dispute amicably *inter se* them. She states that FIR is a result of misunderstanding because at no point of time she made a complaint with regard to sexual assault, if any, committed by the petitioner, with whom she has already solemnized marriage. She states that she of her own volition and without any external pressure, has solemnized marriage with the petitioner and out of their wedlock, one male child was born. She states that since she is living happily married life with her husband, she does not wish to prosecute the case further and shall have no objection in case prayer made in the instant petition for quashing of FIR as well as consequent proceedings is accepted and accused is acquitted of the offences. While admitting contents of the compromise to be correct, she also admits her signatures thereupon. Her statement made on oath is taken on record.

6. After having heard aforesaid statement made on oath by the complainant/ victim-prosecutrix, Mr. Vishal Panwar, learned Additional Advocate General, states that though parties have entered into compromise, but having taken note of the fact that accused is accused of heinous crime punishable under Section 64 of Bharatiya Nyaya Sanhita and Section 6 of Protection of Children from Sexual Offences Act, prayer made on behalf of the accused deserves to be rejected. However, he fairly states that otherwise also chances of conviction of the accused are very remote and bleak on account of statement made by the victim-prosecutrix on oath.

7. True it is that accused is accused of heinous crime punishable under Section 64 of Bharatiya Nyaya Sanhita and Section 6 of Protection of Children from Sexual Offences Act, but once victim-prosecutrix has already solemnized marriage with accused and out of their wedlock, one child has born, no fruitful purpose would be served in case FIR, sought to be quashed, is permitted to continue, rather continuation of the same would further harm the victim-prosecutrix, who otherwise has stated before this Court that she is living happy married life with her husband.

8. 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 Section 482 Cr.P.C (hereinafter to be referred to as the “**Code**”) 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?

9. 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 Cr.P.C is to be distinguished from the power which lies in the Court to compound the offences under Section 320 Cr.P.C. No doubt, under Section 482 Cr.P.C, 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.

10. 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 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. 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. Aforesaid view taken by Hon'ble Apex Court has been further reiterated in **Gian Singh v. State of Punjab and anr.** (2012) 10 SCC 303.

11. The Hon'ble Apex Court in case **Gian Singh** supra 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 to compound the offences under Section 320 Cr.P.C. 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.P.C 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 the 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.

12. 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(CrI) No.9549 of 2016, reiterated the principles/parameters laid down in **Narinder Singh's** case supra for accepting the settlement and quashing the proceedings.

13. Since, in the case at hand, victim-prosecutrix has already solemnized marriage with the accused and she is living happy married life, it would be in the interest of justice to accept the prayer made on behalf of the accused for quashing of the FIR as well as consequent proceedings, which if otherwise allowed to sustain may disturb the happy married life of the accused and the victim-prosecutrix. No doubt, while accepting prayer for quashing of the FIR in heinous crime like rape, etc. interest of society at large is to be kept in mind rather than the interest of an individual, however in the facts and circumstances of the case, as detailed hereinabove, interest of complainant/ victim-prosecutrix appears to be of paramount importance, if is not protected and accused is left to be prosecuted for his having committed the offences punishable under Section 64 of Bharatiya Nyaya Sanhita and Section 6 of Protection of Children from

Sexual Offences Act, ultimate loser would be victim-prosecutrix, as such, no fruitful purpose would be served in continuing with the criminal proceedings. Otherwise also, there are bleak and remote chances of conviction of accused, as such, this court sees no impediment in accepting the prayer made by accused for quashing of FIR.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.29 of 2025 dated 28.09.2025, registered at Police Station Kheri, District Chamba, Himachal Pradesh under Section 64 of Bharatiya Nyaya Sanhita and Section 6 of Protection of Children from Sexual Offences Act, as well as consequent proceedings, if any, pending adjudication in the competent court of law are quashed and set aside. Accused is acquitted of the charges framed against him.

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

August 10, 2026
Sunil

(Sandeep Sharma),
Judge