

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**Cr.MMO No.940 of 2026
Decided on 28th September, 2026**

Akshit Negi

...Petitioner

Versus

State of Himachal Pradesh & Anr.

..Respondents

Coram

Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.

¹Whether approved for reporting?

**For the petitioner : Mr. Naresh Sharma,
Advocate.**

**For the respondent- : Mr. Rajpal Thakur, Additional
State Advocate General.**

For respondent No.2 : Mr. Kunal Thakur, Advocate

Chirag Bhanu Singh, Judge (Oral)

By way of the present petition, the petitioner-Akshit Negi, has invoked the jurisdiction of this Court under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, (in short 'BNSS') seeking the quashing of FIR No.31 of 2026 dated 15.07.2026, under Section 376(2) (n) of the Indian Penal Code & Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO') registered in the Police Station Bhaba Nagar,

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

Kinnaur, District Kinnaur, HP.

2. The respondent No.2 had filed a complaint alleging that the petitioner had developed physical relations with her and thereafter, with intervention of the relatives, friends and family, they agreed to marry. Out of the marriage one girl child had been born. However, despite all assurances, the petitioner did not get her name entered as his wife in the Panchayat and he and his family also used to abuse and harass her and forcefully ousted her from the matrimonial house.

3. Incidentally, the respondent No. 2, had also mentioned that the petitioner had forcibly developed physical relations with her under the pretext of marriage and hence the FIR.

4. During the pendency of the inquiry by the police, however, the parties had formally solemnized marriage and reconciled the matter. With the intervention of the elders and other family members, they had also reconciled their differences and resolved them amicably, the affidavits in this behalf sworn by the parties have been placed on record as Annexure P-2.

5. As per the petitioner, now they are residing together

in the matrimonial house alongwith their girl child. The FIR had been registered because of some misunderstanding and some matrimonial disputes, which had remained un-answered by the petitioner. After the compromise, they are residing in the matrimonial house. The compromise placed on record is voluntary and without any coercion from any quarter concerned.

6. I have heard the learned counsel for the parties and gone through the records meticulously.

7. Seeing to the peculiar facts and material on record, and keeping in view the fact that the prosecutrix (Respondent No. 2), not only was married to the accused-petitioner, but also had a child from his loins, the parties had been directed to remain present.

8. On 14.09.2026, the prosecutrix (respondent No.2) has categorically stated that she got married to the petitioner in the year 2021 itself. He had left for work, and during the said period, he was not paying any maintenance to her. She came to be blessed with a daughter in the year 2022. Since no maintenance was being paid by the petitioner, and due to some misunderstanding, she had lodged the FIR on 15.07.2026.

Immediately thereafter on 14.08.2026 itself because of the intervention of elders and friends, the matter was compromised and since then, she has been residing at her matrimonial house at Village Kache. The petitioner-husband has also sworn by the statement of the prosecutrix. He has admitted that as the compromise, respondent No. 2 has been residing at his parents' house. They will continue to reside together, and he will maintain and look after his wife and children properly henceforth.

9. It further transpires that the name of respondent No. 2 and her daughter also stands recorded in the Parivar Register as wife and daughter, respectively.

10. A perusal of the FIR, *per se*, shows that the primary grounds espoused by the respondent herself was that she had been married to the accused, and even a daughter had been born to them, since her name had not been recorded/registered in the Panchayat as a wife, and the family members of the accused used to abuse her and she was living separately for the last one and half years with her parents. Thus, it is apparent that the genesis of the occurrence was rather a matrimonial dispute and not a sexual assault.

11. Nonetheless, the compromise on record has been effected *inter se* the parties voluntarily and without any element of coercion or undue influence on any one of them.

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

13. 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 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, excising such powers.

14. 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.***

15. Thus seeing to the entire gamut of circumstances and the law discussed above, 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, gravity of the offence and keeping in view the fact that a matrimonial dispute was blown out of proportion and given a criminal colour, this Court will be well within its jurisdiction to quash the criminal proceedings against the accused and it is ordered accordingly.

16. As a sequel of the FIR No.31 of 2026 dated 15.07.2026, under Section 376(2) (n) of the Indian Penal Code & Sections 4 & 6 of the Protection of Children from Sexual Offences

Act, 2012 registered in the Police Station Bhaba Nagar, Kinnaur, District Kinnaur, HP and consequential proceedings emanating thereof are quashed and set aside. Ordered accordingly.

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

(Chirag Bhanu Singh)
Judge

28.09.2026
(Ritu)