

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No. 969 of 2026

Reserved on: 07.09.2026

Date of decision: 09.09.2026.

Gopal Singh Jamalta ...Petitioner.

Versus

State of H.P. & others ...Respondents.

Coram:

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

*Whether approved for reporting?*¹ Yes.

For the petitioner : Mr. Hemant Kumar Thakur,
Advocate.

For the respondents : Mr. Lokender Kutlehria, Additional
Advocate General, for respondents
No.1 to 3.

Ms. Bhawana Bragta, Advocate, for
respondent No.4.

Chirag Bhanu Singh, Judge:

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), seeking to quash FIR No. 52 of 2026, registered on 05.05.2026 under the provisions of Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as the 'Act') at Police Station Rampur Bushahr, District Shimla, H.P.

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

2. The case as set out by the petitioner is that with the intervention of the respectable persons of the area, the parties have compromised the matter voluntarily and out of their own free will and volition. As a sequel, they had entered into a compromise deed, purely for the sake of maintaining good relations and securing a better future in the neighbourhood.

3. It is further averred by the petitioner that they have agreed to end the criminal proceedings with the hope for continuing a better relationship. The dispute between the parties was purely private in nature and the parties have amicably resolved their issues once and for all.

4. Mr. Lokender Kutlehria, learned Additional Advocate General, has waived notice on behalf of the State, while Ms. Bhawna Bhakta, Advocate has put in appearance for respondent No. 4, who happens to be the complainant.

5. I have heard learned counsel for the parties and have also gone through the case file carefully.

6. Learned counsel for respondent No. 4 i.e. the complainant, has vouched by the compromise deed (Annexure P-2), entered inter-se the parties. Learned counsel for the parties would contend that the compromise has been effected inter-se the parties voluntarily and out of their own sweet will.

They have agreed to bury the hatchet to maintain peace and goodwill in the area. The FIR had been got registered because of some misunderstanding and in the heat of moment. They further contend that, in fact, the purported caste based remarks had not been even made to the complainant, Chandan. The accused apparently had been talking on the phone with one Deepak Raj, who in any case did not belong to the Scheduled Caste category.

7. Perusal of FIR, which is annexed along with the petition as Annexure P-1 and complaint, otherwise clearly goes to show that admittedly, the words had not been addressed to respondent No. 4, Chandan. It is the allegation of the complainant himself that the accused had telephonically called Deepak Raj and used word '*Dagi*', while using abusive/caste based words against their Scheduled Caste Community. He heard the said words with his own ears.

8. The very narration of the complaint itself shows that neither the accused had telephonically called the complainant nor he had addressed the words to him. Even if the complaint is believed to be true, the telephonic call had been made to one Deepak Raj, who incidentally did not belong to the Scheduled Castes. The utterances, if any, made by the accused to Deepak

Raj thus would not otherwise invoke the provisions of Section 3(1)(s) of the Act.

9. It would be apposite to reproduce the provisions of Section 3(1)(s) of the Act, as follow:-

"abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view."

10. A bare reading of the FIR thus clearly shows that the accused, in the first place, had not been addressing any member of the Scheduled Caste or a Scheduled Tribe, moreover, nor was it within the public view.

11. By now, it is fairly well settled that if the utterances are not in public view and no one is present in the vicinity of the alleged scene of occurrence other than the complainant or his family members, no offence under Section 3(1)(s) of the Act is made out. In the case in hand, in fact, the utterance was not even made to respondent No. 4. If at all it was made, it had been addressed to one Deepak Raj and that too on the phone. In this regard, it is thus crystal clear that neither the utterance had been made within public view nor to the complainant.

12. The Hon'ble Supreme Court in **Hitesh Verma vs. State of Uttarakhand & another (2021) Cr.LJ 1** has clearly held that in the aforesaid situation, no offence under Section

3(1)(s) is made out and the same view has been further reiterated in a subsequent judgment, titled as, **Huttu @ Futtu Ansari & others vs. State of Jharkhand, SLP (Crl.) No. 6763 of 2023**, decided on 07.04.2025.

13. Even otherwise, the parties have decided to bury the hatchet and reconcile their differences, if any. Thus, keeping in view the totality of circumstances discussed above, it is apparent that no effective purpose is going to be served in letting the FIR to continue till posterity and that too when the parties also do not intend to do so.

14. By now it is fairly well settled that even offenses which are non-compoundable in nature can be quashed by this Court while exercising inherent powers under Section 528 of the BNSS. The aforesaid proposition already stands answered by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab (2012) 10 SCC 303**.

15. The quashing of proceedings on the basis of some settlement, though must not tantamount to abuse of the process of law, but in the facts and circumstances discussed above, it is clear that the alleged crime committed by the accused/petitioner indeed did not have any harmful effect on the public nor did it have any element of wrongdoing which

seriously endangered or threatened the well being of the society at large. A private grouse had been blown out of proportion, as it seems from the compromise deed effected inter-se the parties themselves. The compromise also seems to be voluntary and with the avowed objective of maintaining public peace and tranquility.

16. Even otherwise, the allegations may also not subsist as the utterances have not been made in public view. Burdened as the Courts are the continuation of the FIR may be an exercise in futility, seriously hampering the administration of justice.

17. A Coordinate Bench of this Court in ***Kamal Chand & others*** vs. ***State of H.P. & others***, Cr.MMO No. 191 of 2025, decided on 05.06.2025, has also earlier exercised discretion in quashing similar proceedings under the Act.

18. 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 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.

19. As a sequel, the present petition is allowed and FIR No. 52 of 2026 registered on 05.05.2026 under the provisions of Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Rampur Bushahr, District Shimla, H.P., is quashed and set aside and so the consequent proceedings, if any.

20. The petition is disposed off accordingly. Pending applications, if any, also stand disposed of.

(Chirag Bhanu Singh)
Judge

9th September, 2026.
(kck)