

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**Cr.MMO No.961 of 2026****Decided on 09.09.2026**

Sufal Kaushal & Ors.

...Petitioners

Versus

State of H.P. & Anr.

...Respondents

Coram**Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.****¹Whether approved for reporting?**

For the petitioners: Mr. N.K. Thakur, Senior Advocate, with Mr. Karan Veer Singh, Advocate.

For the respondents: Mr. Prashant Sen, Deputy Advocate General, for respondent No.1.

Mr. Rajinder Kumar Sharma, Advocate, for respondent No.2.

Chirag Bhanu Singh, Judge (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking the quashing of FIR No.100 of 2024, dated 20.11.2024, registered under Sections 85, 316 (2) of BNS, at Police Station Fatehpur, District Kangra, H.P., and all the consequent proceedings pending before the Court of learned Judicial Magistrate First Class, Jawali, District Kangra, H.P.

2. The simple case setup by petitioner is that in pursuance to the compromise effected between the parties, who happen to be husband and wife, the present petition has been preferred. Their marriage came to be solemnized on 02.03.2024, as per Hindu rites and ceremonies. Immediately, thereof unfortunately, their relations went sour resulting in the culmination of the present FIR.

3. After the filing of the present FIR, the respondent had immediately filed a petition under Section 12 of the Hindu Marriage Act, and now the parties have already sought the dissolution of their marriage by mutual consent under Section 13 of the Hindu Marriage Act. The matter has already been listed before the learned Principal Judge, Family Court, Nurpur, District Kangra, H.P., and the statement of the parties has already been recorded by way of first motion. In pursuance to the mutual arrangement, the initial amount of Rs.10,00,000/- also stands paid to the respondent and the balance of Rs.10,00,000/- had been agreed to be paid at the time of the second motion.

4. Since the parties have agreed to dissolve the marriage by way of mutual consent and the proceedings have already commenced under Section 13 of the Hindu Marriage Act, before the Court of competent jurisdiction, the parties have agreed to quash even

the present FIR. In this behalf, the parties have placed on record a compromise deed vide Annexure P-3.

5. Both the parties are present in the Court today and they have stated on oath that they have finally resolved to break the union and part company for good. The proceedings in this behalf are stated to be pending before the learned Additional Principal Judge, Family Court Nurpur, District Kangra, H.P. It is thus, apparent that the marriage between the parties have broken down beyond repair and they have decided to quit the union. The FIR, which had come to be registered at the time, when the relations between the parties have gone for the worst. Now, since they have decided to part company once and for all, no fruitful purpose would be served in keeping the FIR, pending. It is more than apparent that the compromise in these terms also stands effected and that too voluntarily. Both the parties vouch for the same today in the Court too.

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

7. In view of the compromise so entered *interse* the parties, while exercising the inherent powers of this Court under Section 528 of Cr.P.C., this Court can indeed 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.

8. The quashing of proceedings though must still not tantamount to the abuse of the process of law. The aforesaid proposition already stands 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 in hand, since the parties happen to be husband and wife, who have already decided to part company. No effective purpose would be served in continuing with the criminal litigation. Since the dispute has been settled by the parties voluntarily and separate statement in this behalf already stand recorded and placed on the file. It would indeed be in the interest

of justice and fair play that the criminal proceedings are put to an end, more so, 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.

10. Seeing to the nature of allegations and gravity of the offence mentioned in the FIR, 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.100 of 2024, dated 20.11.2024, registered for the commission of offence punishable under Sections 85, 316(2) of BNS, at Police Station Fatehpur, District Kangra, H.P. and all the consequential proceedings arising out of the said FIR, pending before the learned Judicial Magistrate First Class Jawali, District Kangra, H.P., are quashed and set aside. Order accordingly.

12. Accordingly, the petition is disposed off, so also the pending application(s), if any.

(Chirag Bhanu Singh)
Judge

9th September, 2026
(subhash)