

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**Cr.MMO No. 1044 of 2026
a/w Cr.MMO No.1052 of 2026
Decided on 1st October, 2026**

1) Cr. MMO No.1044 of 2026

Nek Ram & Another **...Petitioners**

Versus

State of HP & Others **.....Respondents**

For the petitioners : Mr. Rahul Sharma, Advocate.

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

For respondent No.4 & 5 : Mr. Ajay Kumar, Advocate.

2) Cr.MMO No.1052 of 2026

Jaya Devi & Ors. **...Petitioners**

Versus

State of HP & Others **.... Respondents**

For the petitioners : Mr. Rahul Sharma, Advocate.

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

For respondent No.4 : Mr. Ajay Kumar, Advocate.

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

¹Whether approved for reporting?

Chirag Bhanu Singh, Judge (Oral)

Both the petitions are being taken up together for

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

disposal, as cross FIRs came to be registered by both the sides in respect of the same occurrence. However, they invoke the inherent powers vested in this Court under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS') for seeking the quashing of both the said FIRs being FIR No. 97 & 98 of 2026, dated 15.06.2026.

2. The first FIR i.e. FIR No. 97 of 2026 came to be registered at the instance of Jaya Devi under the provisions of Sections 76, 115(2), 3(5) of Bharatiya Nyaya Sanhita (in short 'BNS') and Section 8 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO') while FIR No. 98 of 2026 came to be registered at the instance of Nek Ram under the provisions of Sections 74, 115(2), 134 and 61(2) of Bharatiya Nyaya Sanhita (in short 'BNS').

3. In the first FIR, Nek Ram-accused is alleged to used criminal force with intention to disrobe the daughter of the complainant, Jaya Devi (accused in the 2nd FIR), who has also been charged for having sexually harassed the minor by trying to touch her and remove her lower.

4. Strangely, in the subsequent FIR filed by Nek Ram,

(accused in the 1st FIR), he is alleged to have molested by the Jaya Devi (complainant) in the first FIR. She is also alleged to have tried to sexually molest the complainant-Nek Ram, who was the accused in FIR No. 97 of 2026.

5. Both the FIRs came to be registered on 15.06.2026 and primarily relate to the same occurrence. Both the sides have purportedly now compromised the matter, and Compromise Deeds have been placed on record vide Annexure P-2 in both the petitions. The parties through the intervention of the respectable persons, relatives and well-wishers, have now amicably resolved all the disputes and differences and voluntarily entered into a compromise. They have further resolved not to interfere in the life and property of each other and not to initiate any fresh false or frivolous criminal or civil proceedings henceforth.

6. On the last date of hearing i.e. 28.09.2026, the parties were present in the Court, they have stood by the compromise so effected *inter se* them. As such, the compromise was executed between the parties voluntarily and without any influence from any person, and the Compromise Deeds bears their signatures.

7. Even otherwise, a bare reading of the FIR will show that

the allegations in itself not only are inherently improbable, but have been made just to settle personal scores, and apparently in vengeance. The criminal proceedings manifestly were entered into by the parties with mala fide and the FIR's apparently had been got recorded with some ulterior motive for wreaking vengeance and out of spite, due to some private or personal grudge between the parties. In that sense of the matter, even as per the ratio laid down in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, the proceedings are otherwise liable to be quashed.

8. Fortunately, the parties themselves have realized their folly and have compromised the matter. Thus, seeing to the totality of circumstances discussed hereinabove, both the FIRs, i.e. FIR No. 97/26 and FIR No. 98/26 registered at P.S. Sarkaghat, District Mandi are ordered to be quashed and set aside. All consequential proceedings arising thereof shall also stand quashed accordingly. Both the petitions are disposed off in the aforesaid terms.

(Chirag Bhanu Singh)
Judge

01.10.2026
(Ritu)