

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1038 of 2026
Date of Decision: 28.09.2026

Raman Sharma & Ors.

....Petitioners

Versus

State of Himachal Pradesh & Ors.

....Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting.

For the petitioners : M/s. Hemant Kumar Thakur & Vikrant Mehta, Advocates.

For the respondents : Mr. Rajpal Thakur, Additional Advocate General, for respondents No.1 to 3-State.

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

Chirag Bhanu Singh, Judge(Oral)

The petitioners, who happen to be college-going students, have invoked the jurisdiction of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0158 of 2026, dated 18.08.2026, registered at Police Station Nahan, District Sirmaur, H.P., under Sections 126(2) and 189(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as the "Act").

2. The long and short of the prosecution version is that on 18.08.2026, the petitioners, who are stated to be students of

Government Post Graduate College, Nahan, had started raising slogans inside the College Campus and had staged a Dharna in the premises and are stated to have locked the gate of the College, resulting in the registration of the aforesaid FIR.

3. The FIR came to be lodged at the instance of the Officiating Principal, Sh. Dev Raj Sharma, respondent No. 4 in the present petition. It seems that after the registration of the FIR, keeping in view the future of the students, the matter came to be amicably resolved between the College Administration and the students. In this behalf, a compromise deed, Annexure P-2, was prepared, which has been annexed along with the present petition.

4. The parties are present in person today. The petitioners and the respondents, in unison, submit that keeping in view the future of the children, the matter has been amicably settled between the parties. The complainant and the accuseds have stood by the compromise deed, Annexure P-2, annexed with the present petition. All of them have identified their signatures on the compromise deed and submitted that the compromise has been effected inter se the parties voluntarily

and without any element of coercion or undue influence on any one of them.

5. I have heard the learned counsel for the parties.

6. Though no status report has been filed by the learned Additional Advocate General, however, he contends that the FIR had been registered, keeping in view the conduct of the students. They had staged a Dharna and forcibly locked the gate of the College.

7. The perusal of the FIR apparently shows that the allegation is that at about 10:38 A.M., they had sat on a Dharna and the gate was locked by student of ABVP.

8. *Ex-facie*, even on the basis of the allegations so made in the FIR, the appropriate course for the police should have been to resort to the provisions of Chapter XII of the Bhartiya Nagarik Suraksha Sanhita, 2023, which, inter alia, arm the police with preventive powers in such a situation. The provisions do provide sufficient powers to the police to prevent injury to public property. The students who apparently wanted to stage a Dharna only should have been taken into preventive detention and that have been the safest course even for the police.

9. Nonetheless, without going into the merits of the aforesaid contentions, suffice it to say that the matter has now been amicably settled and, the accused being students, the continuation of the criminal proceedings would indeed tantamount to an abuse of the process of law. Apparently, none of them even seems to be associated with any politically affiliated Union.

10. 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.

11. 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].

12. Thus seeing to the entire gamut of circumstances and the law discussed hereinabove 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.

13. As a sequel of the FIR No. 0158 of 2026, dated 18.08.2026, registered at Police Station Nahan, District Sirmaur, H.P., under Sections 126(2) and 189(2) of the Bhartiya Nyaya Sanhita, 2023 and consequential proceedings emanating thereof are quashed and set aside. Ordered accordingly.

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

(Chirag Bhanu Singh)

Judge

28th September, 2026
(Shamsh Tabrez)