IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 24 of 2007
Reserved on: 05.11.2026
Date of Decision: 23.11.2026.

Rajinder Singh and Others ...Appellants

Versus

State of H.P. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] *No.*

For the Petitioners : Mr N.S. Chandel, Senior Advocate, with Mr Pawan Chandel, Advocate and Mr Somesh Sharma, Legal Aid Counsel.

For the Respondent : Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

CrMP No. 1797 of 2025

The present application has been filed for compounding of the offence for which the applicants/appellants have been convicted. It has been asserted that the applicants/appellants and the victim are related to each other.

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

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The FIR was lodged because of some misunderstanding between the parties. The parties have entered into a compromise, and they want to maintain cordial relations with each other. No fruitful purpose would be served by continuing with the present proceedings. Hence, it was prayed that the present application be allowed, the compromise be taken on record, and the applicants/appellants be acquitted of the offences charged.

2. The statement of the informant/victim, Dilbagh Singh Parmar, was recorded on 14.07.2026, in which he stated that he had sustained injuries in the incident. He had entered into a compromise voluntarily with the accused person without any influence from any person. He does not want to proceed further with the FIR and has no objection in case the FIR and proceedings arising out of the FIR are ordered to be quashed.

3. Heard.

4. It was laid down by the Hon'ble Supreme Court in ***Ramawatar v. State of M.P., (2022) 13 SCC 635: 2021 SCC OnLine SC 966*** that the FIR can be quashed even after recording a conviction, provided the matter is pending before some Court. It was observed at page 640:

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> **13.** We, however, put a further caveat that the powers under Article 142 or under Section 482 CrPC are exercisable in post-conviction matters only where an appeal is pending before one or the other judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub judice before an appellate court. The pendency of legal proceedings, be that may be before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings based on a compromise would be impermissible. Such an embargo is necessary to prevent the accused from gaining indefinite leverage, for such a settlement/compromise will always be loaded with lurking suspicion about its bona fides. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

5. A similar view was taken in ***Ramgopal v. State of M.P.,*** ***(2022) 14 SCC 531: 2021 SCC OnLine SC 834,*** wherein it was observed at page 539:

> **"13.** It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature can be annulled irrespective of the fact that the trial has already been concluded or the appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. The societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying that in cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the

> circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incident. The touchstone for exercising the extraordinary power under Section 482 CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which, in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in ***Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466***, para 29 : ***(2014) 3 SCC (Cri) 54***] and ***Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688***, para 15 : ***(2019) 2 SCC (Cri) 706***].

6. This position was reiterated in ***Rajendra Bhagat v. State of Jharkhand, (2022) 18 SCC 465: 2022 SCC OnLine SC 1882,*** wherein it was observed at page 468:

> "**8.** Having examined the matter in its totality, it appears that the High Court, while disposing of the revision petition with the application moved by the parties, did not pause to consider that maintaining the conviction of the appellant for the offence under Section 498-AIPC would not be securing the ends of justice and with such conviction being maintained and the appellant losing his job, the family would again land itself in financial distress which may ultimately operate adverse to the harmony and happy conjugal life of the parties. The learned counsel appearing for the appellant and Respondent 2 both have reiterated their stand that they have resolved their

> disputes and are living together while leading a happy conjugal life.
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> **11.** In the aforesaid view of the matter, and taking note of the terms of settlement as stated in the application moved before the High Court which include the undertaking of the appellant that he would be nominating Respondent 2 as the nominee in his service record; and where the parties are said to be leading a happy conjugal life, we are clearly of the view that the High Court should have accepted the settlement and quashed all the proceedings with annulment of the orders against the appellant. The High Court having not done so, we are inclined to adopt this course to secure the ends of justice."

7. In view of these binding precedents, the Court can exercise the jurisdiction vested in it under Section 482 of Cr.P.C. to quash the FIR and consequential proceedings based on a compromise effected between the parties even after the judgment has been passed by the learned Trial Court, which has been affirmed by the learned Appellate Court.

8. The accused were convicted of the commission of offences punishable under Sections 452, 326, 365, 147, 148 read with Section 149 of the IPC. This Court has quashed the F.I.R. registered for the commission of an offence punishable under Section 452 of IPC in ***Prashant Dharmani & others vs. State of H.P. & others 2023(1) Him.L.R.241, Ameen vs State of H.P. & others 2023(1) Him L.R.375, Avinash Singh Rana vs State of H.P. & others***

023 STPL 3181 H.P and ***Chaman Lal vs. State of H.P. Latest HLJ 2023(HP) (1)213*** based on compromise. This Court has already held in ***Ram Kumar & others vs. State of H.P. 2016(4) Him. L.R. 2157, Naresh Katoch vs. State of H.P. & another 2019 (Suppl.) Him L.R. 2656, Kartik Sharma & others vs. State of H.P. 2020 STPL 4914 H P and Naykan Kamdak & others vs. State of H.P. 2020 STPL 6334 HP*** that the offence punishable under Section 326 of IPC can be quashed because of the compromise effected between the parties. The Hon'ble Supreme Court also quashed the conviction for the commission of an offence punishable under Section 326 of the IPC, inter alia, in ***H.N. Pandakumar vs State of Karnataka, Miscellaneous Application no. 2667 of 2024, in SLP (Crl) no. 895 of 2024, decided on 07.01.2025.*** This Court has also quashed an FIR registered for the commission of an offence punishable under Section 365 of the IPC *inter alia* ***Gurvinder Singh @ Garry vs State of HP CrMMO no 745 of 2023, decided on 12.12.2023.*** This Court has already quashed the F.I.R. registered for the commission of offences punishable under Sections 147 and 148 of IPC in ***Sivo Devi vs others vs State of HP 2023 (2), Shimla Law Cases 949, Umesh Kumar vs State Kumar HP 2022 STPL 10721, Satish Kumar vs. State of H.P. 2022 STPL 10703, Inderjeet vs State of H.P. 2022(2)***

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Himachal Law Reporter 1217 and Subhash Verma vs State of H.P. 2021 (3) Shimla Law Cases 1146.

9. The victim's statement shows that he has voluntarily entered into a compromise with the accused and does not want to proceed further with the matter. Hence, the present application is allowed, and FIR No. 132 of 2002, dated 02.05.2002, registered at Police Station Palampur, District Kangra, H.P., for the commission of offences punishable under Sections 452, 307, 365, 147, 148 and 506 read with Section 149 of the IPC and the consequential proceedings arising out of it are ordered to be quashed based on the compromise between the parties.

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10. Since the FIR and consequential proceedings arising out of the FIR have been ordered to be quashed, the present appeal has become infructuous and is disposed of. The fine amount, if deposited, be refunded to the appellants /accused after the expiry of the period of limitation, in case no appeal is preferred, and in case of appeal, the same be dealt with as per the orders of the Hon'ble Supreme Court of India.

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11. A copy of this judgment, along with records of the learned Courts below, be returned forthwith.

(Rakesh Kainthla)
Judge

23rd November, 2026
(ravinder)