IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.123 of 2025

Date of Decision: 27.04.2025

Nitin Solanki & another .....Petitioners

Versus

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

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioners: Mr. Ankit Dhiman, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. Hemant Thakur and Mr. Rajnish Mann, Advocate, for respondent No.2.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,2023, prayer has been made on behalf of the petitioners for quashing of FIR No. 164 of 2024, dated 28.11.2024, under Sections 351(2), 333, 307, 324(4) and 3(5) of Bhartiya Nyaya Sanhita, registered at Police Station, Kala Amb, District Sirmour, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

respective parties, are that FIR, sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.2, Sh. Naresh Kumar (***hereinafter referred to as the complainant),*** who alleged that on 26.11.2024, petitioner No.1, alongwith Tarun Dabas, unauthorizedly entered his premises, created undue pressure upon the employees of the complainant-firm and compelled them to transfer sum of Rs. 5,00,000/- and also forced them to hand over cheque of Rs. 3,00,000/-. In the aforesaid background, FIR came to be lodged against the petitioners at the behest of the respondent/ complainant. After completion of the investigation, police presented the challan in the competent court of law. In the aforesaid background, prayer has been made on behalf of the petitioners for quashing of the FIR as well as consequent proceedings.

3. Though, in terms of the order passed by this Court, respondent-State has filed a detailed reply as well as status report, but before case at hand could be heard and decided on its own merit, parties have entered into the compromise, whereby they have resolved to settle their dispute amicably interse them. In terms of aforesaid compromise, petitioners herein have withdrawn their execution petition pending consideration before learned District Judge, Nahan, Himachal Pradesh and now in terms of afore agreement/compromise, complainant Naresh Kumar is also ready and willing to settle the matter in the FIR, sought to be quashed.

4. Respondent-complainant Sh. Naresh Kumar has also come present in person and is being represented by Mr. Hemant Thakur, Advocate. He states on oath before this Court that he of his own volition and without there being any external pressure has entered into the compromise, whereby parties have resolved to settle their dispute amicably *interse* them. He states that FIR, sought to be quashed, is result of misunderstanding, coupled with the fact that the petitioners have already apologized for their misbehaviour and have undertaken not to repeat such act in future and as such, he shall have no objection in case FIR as well as consequent proceedings pending the competent court of law, are quashed and set-aside and petitioners-accused are acquitted of the charges framed against them.

5. Petitioners, who are present in Court, state on oath before this Court that they of their own volition and without there being any external pressure have entered into the compromise with the respondent/complainant, whereby parties have decided to withdraw the cases filed by them against each other. They state that execution petition filed by them against the respondent/complainant has been already withdrawn and as such, in terms of compromise, this Court may pass appropriate order, thereby acquitting them of the charges framed against them.

6. Though, reply on behalf of the respondent-State is on record, but same is silent about the compromise.

7. Mr. Rajan Kahol, learned Deputy Advocate General, after having heard the aforesaid statement made by respondent No.2/complainant, fairly states that no fruitful purpose would be served in case FIR as well as consequent proceedings, sought to be quashed, are allowed to sustain. He further states that otherwise also, chances of conviction of petitioners-accused are very remote and bleak in view of the statement made by respondent No. 2 and as such, respondent-State shall have no objection in case the prayer made in the petition is allowed.

8. The question which now needs consideration is whether FIR's in question can be ordered to be quashed when Hon'ble Apex Court in **Narinder Singh and others** versus **State of Punjab and another** (2014)6 SCC 466 has specifically held that power under S. 482 CrPC is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., since such offences are not private in nature and have a serious impact on society.

9. At this stage, it would be relevant to take note of the judgment passed by Hon'ble Apex Court in **Narinder Singh** (supra), whereby the Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred to above clearly depicts

that in para 29.1, Hon’ble Apex Court has returned the findings that power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash criminal proceedings even in those cases which are not compoundable and where the parties have settled the matter between themselves, however, this power is to be exercised sparingly and with great caution. In para Nos. 29 to 29.7 of the judgment Hon'ble Apex Court has laid down certain parameters to be followed, while compounding offences.

10. Careful perusal of para 29.3 of the judgment suggests that such a power is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Apart from this, offences committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly arising out of commercial transactions or arising out of matrimonial relationship or family disputes may be quashed

when the parties have resolved their entire disputes among themselves. Aforesaid view taken by Hon'ble Apex Court has been further reiterated in **Gian Singh** v. **State of Punjab and anr.** (2012) 10 SCC 303.

11. The Hon'ble Apex Court in case **Gian Singh** supra has held that power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent power is distinct and different from the power of a Criminal Court to compound the offences under Section 320 Cr.P.C. Even in the judgment passed in **Narinder Singh's** case, the Hon'ble Apex Court has held that while exercising inherent power of quashment under Section 482 Cr.P.C the Court must have due regard to the nature and gravity of the crime and its social impact and it cautioned the Courts not to exercise the power for quashing proceedings in heinous and serious offences of mental depravity, murder, rape, dacoity etc. However subsequently, the Hon'ble Apex Court in **Dimpey Gujral and Ors**. vs. **Union Territory through Administrator, UT, Chandigarh and Ors**. (2013(11 SCC 497 has further reiterated that continuation of criminal proceedings would tantamount to abuse of process of law because the alleged offences are not heinous offences showing extreme depravity nor are they against the society. Hon'ble Apex Court further observed that when offences of a personal nature, burying them would bring about peace and amity between the two sides.

12. Hon'ble Apex Court in its judgment dated 4th October, 2017, titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others** versus **State of Gujarat and Another**, passed in Criminal Appeal No.1723 of 2017 arising out of SLP(Crl) No.9549 of 2016, reiterated the principles/ parameters laid down in **Narinder Singh's** case supra for accepting the settlement and quashing the proceedings.

13. In the case at hand also, offences alleged to have been committed by petitioner do not involve offences of moral turpitude or any grave/heinous crime, rather same are petty offences, as such, this Court deems it appropriate to quash the FIR as well as consequential proceedings thereto, especially keeping in view the fact that the petitioner and respondent No.2/ complainant has compromised the matter *interse* them, in which case, possibility of conviction is remote and no fruitful purpose would be served in continuing with the criminal proceedings.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 164 of 2024, dated 28.11.2024, under Sections 351(2), 333, 307, 324(4) and 3(5) of Bhartiya Nyaya Sanhita, registered at Police Station, Kala Amb, District Sirmour, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law, are

quashed and set aside. Accused are acquitted of the charges framed against them.

15. The petition stands disposed of in the aforesaid terms, alongwith all pending applications.

(Sandeep Sharma),
Judge

April 27,2026
(shankar)