IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 217 of 2026
Date of Decision: 28.4.2026

Deepanshu Singh and Anr.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

.....Respondents

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

For the Petitioners: Mr. Dhananjay Singh, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.

Mr. Parikshit Sharma, Advocate, for respondent No. 2.

Sandeep Sharma, J. *(Oral)*

By way of present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made by the petitioners-accused, for quashing of FIR No. 24/2026 dated 4.3.2026, registered at Police Station Shimla East, District Shimla, Himachal Pradesh, under Sections 302, 298, 352 and 3 (5) of Bharatiya Nyaya Sanhita, 2023 along with consequential proceedings pending in the competent court of law, on the basis of compromise.

2. Precisely, facts of the case, as emerge from the record, are that the FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2-complainant namely Rashid Ahmad, who alleged that on 4.3.2026 at about 4:00pm, two unknown persons not only misbehaved with them, but also attempted to temper with the CCTV cameras fixed on the mosque at Kasumpti. Complainant alleged that accused while attempting to cause damage to the mosque also behaved indecently by using provocative slogans. In the afore backdrop, FIR sought to be quashed came to be lodged against the present petitioners, but before challan, if any, could be presented in the competent court of law, parties have entered into compromise, whereby they have resolved to settle their dispute amicably, as such, petitioners have approached this Court in the instant proceedings for quashing of FIR as well as consequent proceedings pending in the competent court of law.

3. Pursuant to notices issued in the instant proceedings, respondent-State has filed status report under the signature of SHO Police Station East, Chhota Shimla, which is silent about the compromise, however, respondent No.2-complainant has come present and is duly represented by Ms. Parikshit Sharma, Advocate. He states on oath before this Court that he, of his own volition and without any external pressure, has entered into compromise with the petitioners-accused, whereby both

the parties have resolved to settle their dispute amicably. He states that FIR is a result of mis-understanding, coupled with the fact that petitioners have already apologized for their behaviour and undertaken not to repeat such mistake in future, he shall have no objection in case FIR alongwith consequential proceedings is quashed and set aside and petitioners-accused are acquitted of the charges framed against them. While admitting contents of the compromise to be correct, he also admits his signature thereupon.

4. Petitioners Deepanshu Singh and Dhruv Gill, state on oath that they shall not commit such mistake in future, failing which, they shall be liable to be prosecuted in accordance with law. Their statements are also taken on record.

5. Having heard statements made on oath by respondent No.2, Mr. Vishal Panwar, learned Additional Advocate General, fairly states that no fruitful purpose will be served in case FIR as well as consequent proceedings are allowed to continue against the petitioners. He further states that otherwise also, chances of conviction of the petitioners are remote and bleak, on account of statements made by complainant, as such, this court can pass appropriate orders.

6. The question which now needs consideration is whether FIR 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 Section 482 CrPC (**now Section 528 BNSS**) 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.

7. 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.

8. 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.

9. The Hon'ble Apex Court in ***Gian Singh v. State of Punjab and anr. (2012) 10 SCC 303*** 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 for compounding offences under Section 320 Cr.PC. 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.PC 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.

10. 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.

11. Since parties have compromised the matter with each other and respondent No.2, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, is no more interested in pursuing the criminal prosecution of the petitioners, this court sees no impediment in accepting the prayer of the petitioners for quashing of the FIR along with all consequential proceedings.

12. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 24/2026 dated 4.3.2026, registered at Police Station Shimla East, District Shimla, Himachal Pradesh, under Sections 302, 298, 352 and 3 (5) of Bharatiya Nyaya Sanhita, 2023 along with consequent proceedings, is quashed and set aside. Accused are acquitted of the charges framed against them.

13. The petition stands disposed of in the aforesaid terms, along with all pending applications.

April 28, 2026 **(Sandeep Sharma),**
(manjit) **Judge**