IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 287 of 2026
Date of Decision: 24.4.2026

Mahender Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Anr.

.....Respondents

Coram

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

For the Petitioner: Mr. Ashwani Dhiman, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocates General and Mr. Ravi Chauhan, Deputy Advocate General, for the State.

Ms. Anu Tuli Azta, Advocate, for respondent No.2.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, prayer has been made by the petitioner for quashing of FIR No. 177/2015 dated 26.8.2015, registered at Police Station Baddi, District Solan, Himachal Pradesh, under Sections 498-A and 342 of Indian Penal Code as well as consequent proceedings, if any, pending before the court below, on the basis of compromise/amicable settlement arrived inter-se parties.

2. Precisely, the case of the petitioner, as emerges from the pleadings is that the FIR sought to be quashed in the instant proceedings

came to be lodged at the behest of respondent No.2 (hereinafter, 'complainant'), who alleged that her marriage was solemnized with the petitioner in the month of 2009 as per Hindu Rites and Customs, but from day one of her marriage, she was constantly harassed by the petitioner on one pretext or the other especially for bringing less dowry. Since on account of matrimonial discord, they were unable to live together, complainant-wife left her matrimonial house and started living separately since the year 2015. In the aforesaid background, FIR sought to be quashed in the instant proceedings, came to be instituted against the petitioner.

3. Though after completion of investigation, police has already presented challan in the competent court of law, but before same could to be taken to its logical end, petitioner and respondent No.2 have entered into compromise, whereby they have filed joint petition under Section 13 B of the Hindu Marriage Act for dissolution of marriage by way of mutual consent in the competent court of law, which has already recorded the statements of first motion and for recording of statements of second motion, matter has been listed on 3.7.2026. In the aforesaid background, petitioner-accused has approached this court in the instant proceedings, praying therein for quashing of FIR and consequential proceedings in the competent court of law.

4. Though vide ruder dated 8.4.2026, this Court had called upon the respondent-State to file status report, but same has not been filed, however, complainant has come present in person and is being represented by Ms. Anut Tuli Azta, Advocate.

5. Respondent No.2-Smt. Manisha Kashyap, states on oath that she of her own volition and without there being external pressure, has entered into compromise with the petitioner, whereby they have resolved to settle their dispute amicably inter-se them. She deposed that FIR in question is result of mis-understanding and on account of subsequent development, whereby she and petitioner have decided to dissolve their marriage by way of mutual consent, she does not wish to prosecute the case further, as such, she shall have no objection in case FIR as well as consequent proceedings initiated at her behest, are quashed and set-aside and the accused is acquitted of the charges framed against him. Her statement is taken on record.

6. Having heard the statement made on oath by respondent No.2-complainant, Mr. Ravi Chauhan, learned Deputy Advocate General, stated that no fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioner. He further stated that otherwise also, chances of conviction of the petitioner are

remote and bleak, on account of statement made by complainant, as such, this court may pass appropriate orders.

7. 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 of 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Since parties have compromised the matter with each other and respondent No.2-complainant, 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 petitioner, this court sees no impediment in accepting the prayer made on behalf of the petitioner for quashing of the FIR along with all consequential proceedings because possibility of his conviction is remote/bleak and no fruitful purpose would be served in continuing with the criminal proceedings..

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 177/2015 dated 26.8.2015, registered at Police Station Baddi, District Solan, Himachal Pradesh, under Sections 498-A and 342 of Indian Penal Code along with consequential proceedings, are quashed and set aside. Accused is acquitted of the charges framed against him. The petition stands disposed of in the aforesaid terms, along with all pending applications.

April 24, 2026 **(Sandeep Sharma),**
(manjit) **Judge**