IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.269 and 270 of 2026
Date of Decision: 07.04.2026

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1. **Cr.MMO No.269 of 2026**
Prabhjot Singh

…….Petitioner

Versus

State of H.P. & Ors.

… Respondents

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2. Cr.MMO No.270 of 2026
Ashvjot Singh

…….Petitioner

Versus

State of H.P. & Ors.

… Respondents

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

For the Petitioner(s): Ms. Suman Thakur, Advocate.

For the Respondent(s): Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No.1-State.

Ms. Rajni Gandhi, Advocate, for respondents No.2 & 3.

Sandeep Sharma, Judge(oral):

Since common questions of facts as well as law are involved in both the above-captioned cases and similar relief has been prayed by the petitioners, this Court, after having clubbed both

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

the cases, heard them together and the same are now being disposed of vide common judgment.

2. Precisely, the facts of the case, which are common in both the cases, are that FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2 namely Ajay Kumar (in short “complainant”), who alleged that on 27.10.2025, while he along with his brother i.e. respondent No.3 namely Ankush Kumar was going towards CH Bangana to obtain medicine and had reached near Sanjeevani hospital at about 02:30 p.m., one grey-coloured car bearing registration No.HP-78-A-4113 came in front of them and stopped their passage. He alleged that persons sitting in the afore car unnecessary picked a fight with them and gave them beatings. Complainant also alleged that occupants of the car also made casteist remarks, as such, appropriate action in accordance with law be taken against them. On the basis of aforesaid statement made by the complainant, FIR, as detailed hereinabove, came to be lodged against Prabhjot Singh, Ashvjot Singh Vikrant Rana, Ravi Sharma and Sachin.

3. Though, after completion of investigation, Police has already presented challan in the competent Court of law against the petitioners-accused, but before the same could be taken to its logical end, complainant and petitioners-accused named in the FIR have entered into compromise, whereby they have resolved to settle the

dispute amicably *inter se* them. Compromise has been arrived *inter se* petitioners-accused, complainant and injured, as such, petitioners-accused have prayed for quashing of FIR qua them.

4. Pursuant to notices issued in the instant proceedings, respondent-State has filed status report, which is silent about the compromise. However, complainant as well as injured have come present in person and are represented by Ms. Rajni Gandhi, Advocate. They state on oath that they of their own volition and without any external pressure have entered into compromise with the petitioners-accused, whereby both the parties have resolved to settle the dispute amicably *inter se* them. They state that FIR sought to be quashed is a result of misunderstanding, insofar as the same is lodged against the petitioners-accused because subsequently it came to their knowledge that petitioners-accused had intervened in the matter with a view to save them from the clutches of other co-accused namely Vikrant Rana, Ravi Sharma and Sachin, who besides, hurling abuses and making casteist remarks, had also given beatings to injured Ankush Kumar on the previous night. They state that since petitioners-accused neither gave them beatings nor made any casteist remarks, they do not wish to prosecute the case further and shall have no objection in case, prayer made for quashing of FIR through instant petition is accepted and petitioners-accused are acquitted of charges framed against them. While admitting the

contents of compromise placed on record to be correct, they also admit their signatures thereupon. Their statements are taken on record.

5. After having heard aforesaid statements made on oath by the complainant as well as injured, Mr. Vishal Panwar, learned Additional Advocate General, states that though complainant as well as injured have compromised the matter with the petitioners-accused, but investigation conducted till date suggests that petitioners-accused had actually participated in the incident and car used therein belonged to them and it is not correct to state that they had come on the spot with a view to save complainant and injured. Mr. Panwar states that otherwise also, FIR cannot be quashed partially because compromise, if any, *inter se* petitioners-accused, complainant and injured, if accepted, would adversely affect the case of prosecution against other two co-accused. He fairly states that chances of conviction of the petitioners-accused are very remote and bleak on account of statements made by the complainant as well as injured on oath, as such, this court may proceed to pass appropriate orders.

6. First and foremost question, which needs to be determined in the case at hand, is that “whether this Court, while exercising power under Section 528 of Bharatiya Nagrik Suraksha Sanhita, can proceed to quash the FIR partially qua the petitioners-accused or not?”

7. The answer to this question is in affirmative, as the Hon'ble Supreme Court in ***Lovely Salhotra and another versus State NCT of Delhi and another, (2018) 12 Supreme Court Cases 391***, has categorically held that the FIR can be quashed in parts. Relevant of the afore judgment is extracted hereinbelow:-

> *"4. We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants - herein. The High Court was wrong in holding that uthe F.I.R cannot be quashed in part and it ought to have appreciated the fact that the appellants herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 - herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos, 2, 3, 4 and 6 prima "*

8. Coordinate Bench of this Court, while placing reliance upon the afore judgment, in Cr.MMO No.661 of 2024, titled as ***Aryan Chandel & Aru & Ors. Vs. State of Himachal Pradesh & Ors.***, also proceeded to quash FIR partially. Relevant paras of the afore judgment are extracted hereinbelow:-

> *“13. The answer to this question is in affirmative, as the Hon’ble Supreme Court in Lovely Salhotra and another versus State NCT of Delhi and another, (2018) 12 Supreme Court Cases 391, has held that the FIR can be quashed in parts. Relevant para-4 of the judgment, is reproduced, as under:*
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> > *“4. We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants - herein. The High Court was wrong in holding that the F.I.R cannot be quashed in*

part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 - herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie."

14. The above decision of the Hon'ble Supreme Court has also been followed by a learned Single Judge of Delhi High Court, in Criminal Miscellaneous Case No.1741 of 2021, titled as Sunil Tomar versus The State of NCT of Delhi and another. The relevant paragraphs of the judgment, are reproduced, as under:

"9. Partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties. Reliance can be placed on ***Poonam Khanna vs. State & Ors*** *in Crl.M.C.No. 3690/2016 Dated 30.01.2018.*

10. In ***Lovely Salhotra and Anr. vs. State, NCT of Delhi*** *(2017 SCC Online SC 636), in paragraph 4 and 7, it is observed and held as under:*

4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against coaccused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out

against co- accused Nos.2, 3, 4 and 6 prima facie. 7. Accordingly, we set aside the order of the High Court and quash the FIR qua the appellants- herein."

10. The second 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 Cr.P.C (hereinafter to be referred to as the “**Code**”) 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?

11. 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 Cr.P.C is to be distinguished from the power which lies in the Court to compound the offences under Section 320 Cr.P.C. No doubt, under Section 482 Cr.P.C, 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.

12. 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.

13. 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.

14. 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.

15. In the case at hand also, offences alleged to have been committed by the petitioners-accused 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 petitioners-accused, complainant and injured have compromised the matter *inter se* them, in which case, possibility of conviction is remote and no fruitful purpose would be served in continuing with the criminal proceedings.

16. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.0079 of 2025, dated 27.10.2025, under Sections 126(2), 115(2), 352, 3(5) of Bharatiya Nyaya Sanhita and Sections 3(1) (r) and 3(1) (s) of SC/ST (POA) Act, registered at Police Station Bangana, District Una, H.P., as well as consequent proceedings, if any, pending adjudication in the competent court of law are quashed and set aside qua petitioners. Petitioners-accused are acquitted of the charges framed against them.

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

(Sandeep Sharma),
Judge

April 07, 2026
(sunil)