IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.320 & 321 of 2026
Date of Decision: 28.04.2026

1. **Cr.MMO No.320 of 2026**
Sirish Verma & Ors. …….Petitioners
Versus
Sate of HP & Ors. … Respondents

2. **Cr.MMO No.321 of 2026**
Sujal Sharma & Ors. …….Petitioners
Versus
Sate of HP & Ors. … Respondents

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

For the petitioner(s): Ms. Shine Sehgal & Mr. Vinod Kumar, Advocates, in Cr.MMO No.320 of 2026.

Ms. Ranjana & Mr. Rahul Anand Kapoor, Advocates, in Cr.MMO No.321 of 2026.

For the respondent(s): Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State, in both the petitions.

Ms. Ranjana & Mr. Rahul Anand Kapoor, Advocates, for respondents No.2 to 6, in Cr.MMO No.320 of 2026.

Ms. Shine Sehgal & Mr. Vinod Kumar, Advocates, for respondents No.2 to 7, in Cr.MMO No.321 of 2026.

Sandeep Sharma, Judge(oral):

By way of above captioned petitions filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, prayer has been made for quashing of FIR No.13/2026 dated 22.2.2026, under Sections 333,

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

115 (2), 351(2), 127(2), 134 and 3 (5) of Bharatiya Nyaya Sanhita, 2023 and FIR No.14/2026 dated 23.2.2026, under Sections 126(2) 115 (2), 191(2) and 190 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kandaghat, District Solan, Himachal Pradesh, on the basis of the compromise arrived *inter se* parties, whereby they have resolved to settle their dispute amicably inter se them.

2. FIR No.13 of 2026 came to be lodged at the behest of respondent No.2/complainant, Sujal Sharma (hereinafter to be referred to as '**complainant**') in Cr.MMO No.320 of 2026, who alleged that on 22.02.2026, he received a telephonic call from his friend namely Rishabh Justa informing him that Aman Thakur along with his friends had ransacked his room after entering the same unauthorizedly. He further alleged that while he along with his friend Rishab Verma reached Waknaghat, Aman Thakur along with his friends extended threats and gave them beatings. He alleged that person namely Sirish inflicted injury on his head with a brick.

3. On the other hand, respondent No.2, Sirish Verma, in Cr.MMO No.321 of 2026 lodged FIR No.14/2026 at same Police Station, alleging therein that on 22.02.2026, while he along his friend Lalit had gone towards Shoghi petrol pump for filling up petrol in his car bearing registration No.HP-52-A-1856 at 07:00 p.m., 10-12 boys stopped his car and gave him beatings.

4. Before challan, if any, could be filed before the competent court of law by the police, parties have entered into compromise, whereby they have resolved to settle the dispute amicably *inter se* them. In the aforesaid background, petitioners-accused have approached this Court in the instant proceedings, for quashing of FIR.

5. Learned counsel for the parties in both the cases state that accused as well as complainant in both the FIRs are studying in Bahra University and on the date of alleged incident, some altercation had taken place *inter se* them, but subsequently they settled the dispute amicably *inter se* them. They further state that in terms of compromise, complainant in both the FIRs do not wish to prosecute the case further and shall have no objection in case FIRs in both the case are quashed and set aside.

6. Though vide order dated 17.04.2026, this Court had directed respondent-State in both the cases to file status report, but fact remains that same has not been filed. Respondents-Complainant in both the cases have come present before this Court and are represented by their respective counsel. 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 the FIRs sought to be quashed are result of

misunderstanding, coupled with the fact that accused in both the FIRs have already apologized for their behaviour and have undertaken not to repeat such act in future. They state that they do not wish to prosecute the cases further and shall have no objection in case, prayer made for quashing of FIR through instant petition is accepted and accused are acquitted of charges framed against them. While admitting contents of compromise placed on record to be correct, they also admit their signatures thereupon. Their statements are taken on record.

7. After having heard aforesaid statements made on oath by the complainants in both the FIRs, Mr. Ravi Chauhan, learned Deputy Advocate General, fairly states that no fruitful purpose would be served in case FIRs as well as consequent proceedings pending adjudication in the competent court of law are allowed to sustain, rather pendency of the same may further widen the rift *inter se* parties. He further states that otherwise also chances of conviction of the petitioners-accused in both the case are very remote and bleak on account of statements made by the complainants on oath, in respect to FIRs, as such, this court may proceed to pass appropriate orders.

8. 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 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?

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 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.

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 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 accused and complainant in both the FIRs have 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.13/2026 dated 22.2.2026, under Sections 333, 115 (2), 351(2), 127(2), 134 and 3 (5) of Bharatiya Nyaya Sanhita, 2023 and FIR No.14/2026 dated 23.2.2026, under Sections 126(2) 115 (2), 191(2) and 190 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kandaghat, District Solan, Himachal Pradesh, are quashed and set aside. Petitioners-accused in both the petitions are acquitted of the charges framed against them.

The petitions stand disposed of in the aforesaid terms, alongwith all pending applications.

(Sandeep Sharma),
Judge

April 28, 2026
(sunil)