IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.656 of 2024
Date of Decision: 02.04.2026

Sumit Kumar & Ors.

…….Petitioners

Versus

State of H.P. & Anr.

… Respondents

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

For the Petitioners: Ms. Ambika Kotwal & Mr. Rahul Manhas, Advocates.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondent No.1-State.

Mr. Dibender Ghosh, Advocate, for respondent No.2.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 482 of Cr.P.C, prayer has been made on behalf of the petitioners-accused (in short "accused") for quashing of FIR No.63 of 2018, dated 10.08.2018, under Sections 20(6) and 31 of Protection of Women from Domestic Violence Act, registered at Police Station Sujanpur, District Hamirpur, H.P., as well as consequent proceedings pending adjudication before competent Court of law, on the basis of the

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

compromise arrived *inter se* parties (Annexure P-2 colly), whereby they have resolved to settle the dispute amicably *inter se* them.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties are that FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2 (in short "complainant"), alleging therein that her marriage was solemnized with accused No.1 on 23.02.2012 as per Hindu rites and customs, but from day one of her marriage, accused No.1, who happens to be her husband, and other family members started maltreating her on one pretext or other. She alleged that on account of continuous domestic violence and mental harassment, she was compelled to leave her matrimonial house.

3. Though, after completion of investigation, Police has already presented challan in the competent Court of law against the accused, but before the same could be taken to its logical end, complainant and accused named in the FIR have entered into compromise, whereby they have resolved to settle the dispute amicably *inter se* them. Complainant and accused No.1 have got their marriage dissolved by mutual consent from the competent Court of law under Section 13-B of Hindu Marriage Act.

4. Pursuant to notices issued in the instant proceedings, respondent-State has filed status report, which is silent about the

compromise. However, complainant has come present in person and is represented by Mr. Dibender Ghosh, Advocate. She states on oath that she of her own volition and without any external pressure has entered into compromise with the accused, whereby both the parties have resolved to settle the dispute amicably *inter se* them. She states that since FIR sought to be quashed is a result of misunderstanding, coupled with the fact that since after lodging of FIR, she has already taken divorce from accused No.1, she does 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 accused are acquitted of charges framed against them. While admitting the contents of compromise placed on record to be correct, she also admits her signatures thereupon. Her statement is taken on record.

5. After having heard aforesaid statement made on oath by the complainant, Mr. Rajan Kahol, learned Additional Advocate General, fairly states that no fruitful purpose would be served in case FIR 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 accused are very remote and bleak on account of statement made by the complainant on oath, as such, this court may proceed to 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 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?

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 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.

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. 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.

9. 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.

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. In the case at hand also, offences alleged to have been committed by the 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 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.

12. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.63 of 2018, dated 10.08.2018, under Sections 20(6) and 31 of Protection of Women from Domestic Violence Act, registered at Police Station Sujanpur, District Hamirpur, H.P., as well as consequent proceedings, if any, pending adjudication in the competent court of law are quashed and set aside. 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 02, 2026
(sunil)