IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 925 of 2026
Date of Decision: 28.10.2026

Manoj Kumar & another .... Petitioner

Versus

State of H.P. & others .... Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1]

For the Petitioners : None.

For the Respondents. : Mr Ajit Sharma, Deputy Advocate General, for respondent No.1

Rakesh Kainthla, Judge (Oral)

The petitioners have filed the present petition for quashing of FIR No.26 of 2023, dated 08.03.2023, registered at Police Station BSL Colony, Sunder Nagar, District Mandi, H.P. for the commission of offences punishable under Sections 341, 323, 325, 307, 504, 506 read with Section 34 of Indian Penal Code (IPC) and consequential proceedings arising out of it based on a compromise between the parties.

2. In the present case, the F.I.R. was registered for the commission of an offence punishable under Section 307 of the

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

IPC. It was laid down by the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab (2012) 10 SCC 303: 2012 SCC OnLine SC 769*** that the power to quash the proceedings under Section 482 of Cr.P.C. based on the compromise is different from the power of compounding under Section 320 of CrPC. It was observed:

> "**57.** Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in the exercise of its inherent jurisdiction. In compounding of offences, the power of a criminal court is circumscribed by the provisions contained in Section 320, and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.
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> **58.** Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as, in its opinion, a continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts that have harmful effects on the public and consist of wrongdoing that seriously endangers and threatens the well-being of society, and it is not safe to leave the crime-doer only

because he and the victim have settled the dispute amicably or the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. *In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all.* However, certain offences which overwhelmingly and predominantly bear civil flavour, having arisen out of a civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts, and no hard-and-fast category can be prescribed." (Emphasis supplied)

59. ***B.S. Joshi [(2003) 4 SCC 675: 2003 SCC (Cri) 848], Nikhil Merchant [(2008) 9 SCC 677 : (2008) 3 SCC (Cri) 858], Manoj Sharma [(2008) 16 SCC 1 : (2010) 4 SCC (Cri) 145]*** and ***Shiji [(2011) 10 SCC 705 : (2012) 1 SCC (Cri) 101]*** do illustrate the principle that the High Court may quash criminal proceedings or FIR or complaint in exercise of its inherent power under Section 482 of the Code and Section 320 does not limit or affect the powers of the High Court under Section 482. Can it be said that by quashing criminal proceedings in ***B.S. Joshi [(2003) 4 SCC 675: 2003 SCC (Cri)***

848], Nikhil Merchant [(2008) 9 SCC 677 : (2008) 3 SCC (Cri) 858], Manoj Sharma [(2008) 16 SCC 1 : (2010) 4 SCC (Cri) 145] and *Shiji [(2011) 10 SCC 705 : (2012) 1 SCC (Cri) 101]* this Court has compounded the non-compoundable offences indirectly? We do not think so. There does exist a distinction between compounding an offence under Section 320 and quashing a criminal case by the High Court in the exercise of inherent power under Section 482. The two powers are distinct and different, although the ultimate consequence may be the same, viz., acquittal of the accused or dismissal of the indictment.

60. We find no incongruity in the above principle of law and the decisions of this Court in ***Simrikhia [(1990) 2 SCC 437: 1990 SCC (Cri) 327], Dharampal [(1993) 1 SCC 435: 1993 SCC (Cri) 333: 1993 Cri LJ 1049], Arun Shankar Shukla [(1999) 6 SCC 146: 1999 SCC (Cri) 1076: AIR 1999 SC 2554], Ishwar Singh [(2008) 15 SCC 667 : (2009) 3 SCC (Cri) 1153], Rumi Dhar [(2009) 6 SCC 364 : (2009) 2 SCC (Cri) 1074] and Ashok Sadarangani [(2012) 11 SCC 321]***. The principle propounded in ***Simrikhia [(1990) 2 SCC 437: 1990 SCC (Cri) 327]*** that the inherent jurisdiction of the High Court cannot be invoked to override an express bar provided in law is now well settled. In ***Dharampal [(1993) 1 SCC 435: 1993 SCC (Cri) 333: 1993 Cri LJ 1049],*** the Court observed the same thing: that the inherent powers under Section 482 of the Code cannot be utilised for exercising powers which are expressly barred by the Code. A similar statement of law is made in ***Arun Shankar Shukla [(1999) 6 SCC 146: 1999 SCC (Cri) 1076: AIR 1999 SC 2554]***. In ***Ishwar Singh [(2008) 15 SCC 667: (2009) 3 SCC (Cri) 1153],*** the accused was alleged to have committed an offence punishable under Section 307 IPC and, with reference to Section 320 of the Code, it was held that the offence punishable under Section 307 IPC was not compoundable and there was an express bar in Section 320 that no offence shall be compounded if it is not compoundable under the Code. In ***Rumi Dhar [(2009) 6 SCC 364 : (2009) 2 SCC (Cri) 1074],*** although the accused had paid the entire due amount as per the settlement with the

bank in the matter of recovery before the Debts Recovery Tribunal, the accused was being proceeded with for the commission of the offences under Sections 120-B/420/467/468/471 IPC along with the bank officers who were being prosecuted under Section 13(2) read with 13(1)(*d*) of the Prevention of Corruption Act. The Court refused to quash the charge against the accused by holding that the Court would not quash a case involving a crime against society when a prima facie case has been made out against the accused for framing the charge. ***Ashok Sadarangani [(2012) 11 SCC 321]*** was again a case where the accused persons were charged of having committed the offences under Sections 120-B, 465, 467, 468 and 471 IPC and the allegations were that the accused secured the credit facilities by submitting forged property documents as collaterals and utilised such facilities in a dishonest and fraudulent manner by opening letters of credit in respect of foreign supplies of goods, without actually bringing any goods but inducing the bank to negotiate the letters of credit in favour of foreign suppliers and also by misusing the cash-credit facility. The Court was alive to the reference made in one of the present matters and also the decisions in ***B.S. Joshi [(2003) 4 SCC 675: 2003 SCC (Cri) 848], Nikhil Merchant [(2008) 9 SCC 677 : (2008) 3 SCC (Cri) 858]*** and ***Manoj Sharma [(2008) 16 SCC 1 : (2010) 4 SCC (Cri) 145]*** and it was held that ***B.S. Joshi [(2003) 4 SCC 675: 2003 SCC (Cri) 848]*** and ***Nikhil Merchant [(2008) 9 SCC 677 : (2008) 3 SCC (Cri) 858]*** dealt with different factual situation as the dispute involved had overtures of a civil dispute but the case under consideration in ***Ashok Sadarangani [(2012) 11 SCC 321]*** was more on the criminal intent than on a civil aspect. The decision in ***Ashok Sadarangani [(2012) 11 SCC 321]*** supports the view that criminal matters involving overtures of a civil dispute stand on a different footing.

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR, or complaint in the

exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation, but it has to be exercised in accordance with the guidelines engrafted in such power, viz. : (*i*) to secure the ends of justice, or (*ii*) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case, and no category can be prescribed. *However, before the exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., cannot be fittingly quashed even though the victim or the victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society.* Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc., cannot provide any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from a commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if, in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice, and extreme injustice would be caused to

> him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of the process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding." (Emphasis supplied)

3. It was laid down in ***Narender Singh versus the State of Punjab, 2014 (6) SCC 466,*** that the offence punishable under Section 307 of the IPC is a heinous offence that cannot be quashed based on a compromise. It was observed: -

> "**29.** In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:
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> > **29.1.** 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 the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have settled and, on that basis, a petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(*i*) ends of justice, or

(*ii*) to prevent abuse of the process of any court.

While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions 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.* Similarly, the offences alleged to have been committed under special statutes 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 a compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes, should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and, therefore, are to be generally treated as crimes against society and not against the individual alone. However, the High Court would not rest its decision merely because there is a*

mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine whether the incorporation of Section 307 IPC is there for the sake of it or if the prosecution has collected sufficient evidence, which, if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of the injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, the nature of weapons used, etc. Medical reports in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case, it can refuse to accept the settlement and quash the criminal proceedings, whereas in the latter case, it would be permissible for the High Court to accept the plea, compounding the offence based on a complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them, which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, the timing of settlement plays a crucial role. In those cases where the settlement is arrived at immediately after the alleged commission of the offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is for this reason that, at this stage, the investigation is still ongoing and even the chargesheet has not been filed. Likewise, in those cases where the charge is framed but the evidence is yet to start, or the evidence is still at the infancy stage, the High Court can show benevolence in exercising its powers favourably, but

> after a *prima facie* assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence, the matter is at the stage of argument; normally, the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same, resulting in the acquittal of the offender who has already been convicted by the trial court. Here, the charge is proved under Section 307 IPC and a conviction is already recorded of a heinous crime; therefore, there is no question of sparing a convict found guilty of such a crime." (Emphasis supplied)

4. This question was again considered in ***Parbatbhai Aahir v. State of Gujarat*, *(2017) 9 SCC 641: (2018) 1 SCC (Cri) 1: 2017 SCC OnLine SC 1189*** and the following principles were summarised:

> "16. The broad principles which emerge from the precedents on the subject may be summarised in the following propositions:
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> 16.1. Section 482 preserves the inherent powers of the High Court to prevent abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.
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> 16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been

arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in the exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude, it has to be exercised (i) to secure the ends of justice or (ii) to prevent abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute revolves ultimately on the facts and circumstances of each case, and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. *Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed, though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact on society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences*.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming

> or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.
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> 16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may, in appropriate situations, fall for quashing where parties have settled the dispute.
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> 16.9. In such a case, the High Court may quash the criminal proceeding if, in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice, and
>
> 16.10. There is yet an exception to the principle set out in proposition 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance." (Emphasis supplied)

5. It was held in ***State of M.P. v. Laxmi Narayan*, *(2019) 5 SCC 688: (2019) 2 SCC (Cri) 706: 2019 SCC OnLine SC 320*,** that the offence under Section 307 of IPC falls in the category of crimes against society and cannot be quashed based on a compromise. It was observed:

> "15. Considering the law on the point and the other decisions of this Court on the point referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised, having overwhelmingly and predominantly a civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. *Such power is not to be exercised in those prosecutions 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.*

15.3. Similarly, such power is not to be exercised for offences under special statutes like the Prevention of Corruption Act or offences committed by public servants while working in that capacity, which are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. *Offences under Section 307 IPC and the Arms Act, etc., would fall in the category of heinous and serious offences and, therefore, are to be treated as crimes against society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc., which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves.* However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine whether the incorporation of Section 307 IPC is there for the sake of it or if the prosecution has collected sufficient evidence, which, if proved, would lead to framing the charge under Section 307 IPC. For this purpose,

> it would be open to the High Court to go by the nature of the injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, the nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation, the chargesheet is filed/the charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [***Narinder Singh v. State of Punjab, (2014) 6 SCC 466: (2014) 3 SCC (Cri) 54***] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;
>
> 15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc." (Emphasis supplied)

6. Therefore, it is impermissible to quash the FIR registered for the commission of an offence punishable under Section 307 of the IPC based on a compromise.

7. Consequently, the present petition fails, and it is dismissed.

8. The observation made hereinabove shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

28th October, 2026
(Ravinder)