**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MMO No.1263 of 2025**
**Date of Decision: 24.02.2026**

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**Shri Surmukh Singh and Others** .....**Petitioners**

**Versus**

**State of Himachal Pradesh and Others** .....**Respondents**

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

**For the Petitioners:** Mr. M.A. Safee, Advocate.

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

Mr. Pranav Kaushal, Advocate, for respondents No.2 & 3.

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**Sandeep Sharma, J.** *(Oral)*

By way of present petition filed under Section 528 of the BNSS, 2023, prayer has been made by the petitioners-accused for quashing of FIR No.272/2022, dated 21.11.2022, under Sections 147, 148, 149, 451, 341, 323, 504, 506 and 427 of the IPC, registered at Police Station Baddi, District Solan, Himachal Pradesh, along with consequential proceedings pending in the competent Court of law, on the basis of compromise.

**2.** Precisely, the facts of the case, as emerge from the record are that FIR sought to be quashed in the instant proceedings, came to be lodged at the behest of respondents No.2 (hereinafter, 'complainant'), who alleged that petitioners/accused unauthorizedly entered the courtyard of his house and thereafter extended threats. Complainant also alleged that

the accused, named in the FIR, damaged the windows of his house and gave beatings to his family members. In the aforesaid background, FIR, as detailed hereinabove, came to be instituted against the petitioners/accused.

**3.** Though after completion of the investigation, Police has already presented Challan in the competent Court of law, but before same could be taken to its logical end, parties to the lis have decided to settle the dispute amicably *inter se* them by way of compromise placed on record and as such, petitioners have approached this Court in the instant proceedings, praying therein to quash and set aside the FIR as well as consequent proceedings pending before the competent Court of law.

**4.** Vide order dated 30.12.2025, this Court while issuing notices to respondents No.2 & 3, called upon respondent/State to file status report. Mr. Ravi Chauhan, learned Deputy Advocate General, though has filed status report under the signatures of SHO, Police Station Baddi, District Solan, Himachal Pradesh, which is taken on record, but the same is silent about the compromise, if any, arrived inter se parties, however, Mr. Ravi Chauhan, learned Deputy Advocate General, states that save and except offences committed under Sections 147, 148 and 149, all the offences punishable under Sections 451, 341, 323, 504, 506 and 427 of the IPC are compoundable.

**5.** Pursuant to afore order, respondent No.2/complainant-Mr. Chaman Lal and respondent No.3-Mr. Bhupinder Singh, have come present

and are being represented by Mr. Pranav Kaushal, Advocate. They state on oath that they of their own volition and without there being any external pressure have entered into compromise with the petitioners/accused, whereby they have decided to settle their dispute amicably *inter se* them. They state that since FIR sought to be quashed is a result of misunderstanding, coupled with the fact that petitioners/accused have already apologized for their misbehavior/misconduct, they shall have no objection in case aforesaid FIR as well as consequential proceedings pending in the competent Court of law are quashed and set aside and the petitioners are acquitted of the offences alleged in the FIR. While admitting contents of the compromise to be correct, they also admit their signature thereupon. Their joint statement made on oath is taken on record.

**6.** Having heard statement made on oath by respondent No.2/complainant-Mr. Chaman Lal and respondent No.3-Mr. Bhupinder Singh, Mr. Ravi Chauhan, learned Deputy Advocate General, states that no fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioners. He further states that otherwise also, chances of conviction of the petitioners are very remote and bleak, on account of statement made by respondents No.2 and 3, as such, he shall have no objection in case prayer made on behalf of the petitioners is accepted and FIR in question along with consequential proceedings is quashed and set aside and petitioners are acquitted.

**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 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.** It is quite apparent from the aforesaid exposition of law that High Court has inherent power to quash criminal proceedings even in those cases which are not compoundable, but such power is to be exercised sparingly and with great caution, as such, this Court deems it appropriate to quash the FIR as well as consequential proceedings thereto, especially keeping in view the fact that parties have compromised the matter *inter se* them, in which case, possibility of conviction is remote/bleak and no

fruitful purpose would be served in continuing with the criminal proceedings.

**13.** Since parties have compromised the matter with each other and respondent No.2, 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 petitioners, this Court sees no impediment in accepting the prayer made on behalf of the petitioners for quashing of the FIR along with all consequential proceedings.

**14.** Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.272/2022, dated 21.11.2022, under Sections 147, 148, 149, 451, 341, 323, 504, 506 and 427 of the IPC, registered at Police Station Baddi, District Solan, Himachal Pradesh, along with consequential proceedings is quashed and set aside. Accused are acquitted of the charges framed against them.

The petition stands disposed of in the aforesaid terms, along with all pending applications, if any.

**February 24, 2026** **(Sandeep Sharma),**
*Rajeev Raturi* **Judge**