

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 221 of 2026
Date of Decision: 30.3.2026

Prabhat Nugal (minor) and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Anr.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Ms. Jyoti Chauhan, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.

Mr. Anil Kumar Manget, Advocate, for respondent No.2.

HC Anil Kumar, PS. Kotkhai, present with record.

Sandeep Sharma, J. *(Oral)*

By way of present petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made by the petitioners-accused for quashing of FIR No. 28/2026, dated 15.3.2026, registered at Police Station Kotkhai, District Shimla, H.P., under Sections 127(2), 115(2), 190, 191(2), 332 (c) and 351(2) of Bharatiya Nyaya Sanhita, 2023 along with consequential proceedings pending in the competent court of law, on the basis of compromise.

2. Precisely, facts of the case, as emerge from the record, are that the FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2-complainant, who is a minor, alleging therein that he is a student of 1st year of Pol. Tech at ABVGIET College Pragatinagar. He alleged that on 13.3.2026, while he was present in his room at 10:00pm, person namely Prabhat Nugal (petitioner No.1), who is also a minor, called him telephonically and asked him to come to his residence. He alleged that though he refused to go, but since petitioner No.1 insisted and said that in case, he does not come, then he alongwith his friends would come to his residence, he went to the house of above named person, where other persons namely Karma, Suryansh and Nayan were also present and they all were consuming liquor. He alleged that since he had borrowed Rs. 1500/- from petitioner No.1, he asked the respondent/complainant to return the afore money, but he stated that he will return the same after few days, whereafter allegedly, he was locked in one room by the accused named herein above and was given beatings. In the aforesaid background, FIR sought to be quashed came to be registered against the petitioners.

3. Though police has already completed investigation, but before charge sheet could be filed in the competent court of law, parties have

entered into compromise, whereby they have resolved to settle their dispute amicably. In the aforesaid backdrop, petitioners have approached this Court in the instant proceedings for quashing of FIR as well as consequent proceedings pending in the competent court of law.

4. Pursuant to notices issued in the instant proceedings, respondent-State has filed status report under the signature of SHO Police Station Kotkhari, which is silent about the compromise.

5. Respondent No. 2 Sujal Rana, along with his father Mr. Mast Ram, has come present in the court and is represented by Mr. Anil Kumar Manget, Advocate. Mr. Mast Ram and complainant Sujal Rana, stated 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 their dispute amicably inter-se them. They stated that since accused named in the FIR are classmates of his son and they have bright career ahead coupled with the fact that petitioners have apologized for their behaviour and undertaken not to repeat such mistake in future, they shall have no objection in case FIR along with consequential proceedings is quashed and set aside and petitioners-accused are acquitted of the charges framed against them. While admitting

contents of the compromise to be correct, they also admit their signatures thereupon.

6. Having heard statements made on oath by respondents No.2 and his father, Mr. Rajan Kahol, learned Additional Advocate General, fairly 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 are remote and bleak, on account of statement made by complainant, as such, this court can pass appropriate orders.

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 (**now Section 528 BNSS**) 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. In the case at hand also, offences alleged to have been committed by the petitioners do not involve offences of moral turpitude or any grave/heinous crime, 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 and the complainant have compromised the matter *inter-se* them, in which case, possibility of conviction of the petitioners 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 as well as his father, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, are no more interested in pursuing the criminal prosecution of the petitioners, this

court sees no impediment in accepting the prayer 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. 28/2026, dated 15.3.2016, registered at Police Station Kotkhai, District Shimla, H.P., under Sections 127(2), 115 (2), 190, 191(2), 332 (c) and 351(2) of Bharatiya Nyaya Sanhita, 2023 along with consequential proceedings, is quashed and set aside qua the petitioners. Accused are acquitted of the charges framed against them.

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

March 30, 2026

(manjit)

**(Sandeep Sharma),
Judge**