

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.: 938 of 2024

Decided on : 28.11.2025

Ram Lubhaya & Others

...Petitioners

Versus

State of Himachal Pradesh & Another

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

*Whether approved for reporting?*¹

For the petitioners : Petitioners in person, with Mr. Vipin Bhatia, Advocate.

For the respondents : Mr. Mohinder Zharaick, Additional Advocate General, with Mr. Rohit Sharma and Ms. Ranjana Patial, Deputy Advocates General, for respondent No. 1-State.

Respondent No. 2 in person with Mr. Rohit Steta, Advocate.

Virender Singh, Judge (oral).

Initially petitioners Ram Lubhaya, Kamlesh Kaur, Rakesh Kumar and Monika Bagga have filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of FIR No. 46/2020, dated

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

23.11.2020 (hereinafter referred to as the FIR, in question), registered with Women Police Station, Una, District Una, H.P., under Section 498-A of the Indian Penal Code (hereinafter referred to as the 'IPC'), on merits, as well as, the proceedings resultant thereto, which are stated to be pending before the Court of learned Additional Chief Judicial Magistrate, Court No. 1 Una, District Una, H.P. (hereinafter referred to as the 'trial Court').

2. However, during the pendency of the present petition, the matter has now been compromised, between the petitioners and respondent No.2.

3. Now, the relief of quashing has been sought, on the basis of the compromise, which has taken place between the petitioners and respondent No.2.

4. According to the petitioners, on the statement of respondent No.2, the FIR, in question, has been registered against them, as well as, one Rohit Kumar son of Ram Lubhaya.

5. After registration of the FIR, the police has conducted the investigation and submitted the report

under Section 173(II) Cr.PC, which is now pending adjudication before the learned trial Court.

6. According to the petitioners, during the pendency of the aforesaid case, in order to maintain their future cordial relations, they have compromised the matter with respondent No.2.

7. The terms and conditions of the compromise have been reduced into writing, which are Annexure A-2.

8. On the basis of the above facts, a prayer has been made that the FIR, in question, as well as, proceedings resultant thereto, pending before the learned trial Court, may kindly be quashed and set aside, qua the petitioners, by allowing the petition.

9. When put to notice, respondent No.1-State has filed the reply, mentioning therein the circumstances, in which, the FIR, in question, has been registered, at the instance of respondent No.2, as well as, the manner, in which, the investigation has been conducted, by the police, in this case.

10. Respondent No.2, who, at one point of time, had put the criminal machinery into motion, appeared

before this Court and has stated that the petitioners, who are my in-laws, have filed the petition for quashing the FIR. Matter has been compromised between me and the petitioners, vide compromise Annexure P-2. The said compromise has been taken place between them due to the fact that now it is not possible for respondent No. 2 to live with Rohit, in the matrimonial home, and she had decided to part her ways with her husband Rohit. She, in unequivocal terms, has deposed that she has no objection, in case, the petition is allowed, as prayed for.

11. Similar type of statement has also been made by the petitioners, on oath.

12. Heard.

13. Admittedly, in this case, there are five accused, including the petitioners, however, before registration of the FIR, in question, accused Rohit (husband of respondent No. 2) had already left country. Respondent No. 2, i.e. complainant, has categorically stated that the matter has been compromised with the petitioners, vide Annexure P-2.

14. In such situation, the question, which arises for

determination, before this Court, is as to whether the FIR can be quashed in parts.

15. The answer to this question is in affirmative, as the Hon'ble Supreme Court in ***Lovely Salhotra and another versus State NCT of Delhi and another, (2018) 12 Supreme Court Cases 391***, has held that the FIR can be quashed in parts. Relevant para-4 of the judgment, is reproduced, as under:

“4. We have taken into account the facts of the matter in question as it appears to us that no cognizable offence is made out against the appellants - herein. The High Court was wrong in holding that the F.I.R cannot be quashed in part and it ought to have appreciated the fact that the appellants - herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 - herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie.”

16. The above decision of the Hon'ble Supreme Court has also been followed by a learned Single Judge of Delhi High Court, in ***Criminal Miscellaneous Case No.1741 of 2021***, titled as ***Sunil Tomar versus The***

State of NCT of Delhi and another. The relevant paragraphs of the judgment, are reproduced, as under:

“9. Partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties. Reliance can be placed on Poonam Khanna vs. State & Ors in CrI.M.C.No. 3690/2016 Dated 30.01.2018.

10. In Lovely Salhotra and Anr. vs. State, NCT of Delhi (2017 SCC Online SC 636), in paragraph 4 and 7, it is observed and held as under:

“4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High Court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2 – herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos.2, 3, 4 and 6 prima facie.

7. Accordingly, we set aside the order of the High Court and quash the FIR qua the appellants- herein.”

17. In view of the above, the partial quashing is permissible under the law.

18. Viewed thus, when the compromise has been effected between the petitioners and respondent No.2 (complainant), then, keeping the proceedings, against the petitioners, alive, is nothing, but, wastage of the precious judicial time.

19. Respondent No.2-complainant has categorically deposed, in her statement, that since, it is not possible to her to live in the matrimonial home and she had decided to part her ways with her husband Rohit Kumar, the matter has been compromised with the petitioners only.

20. In such situation, the chances are not so bright that respondent No.2-complainant will depose against the petitioners.

21. Considering all these facts, the petition is allowed and FIR No.46 of 2020, dated 23.11.2020, registered, under Section 498-A of IPC, with Women Police Station, Una, District Una, H.P., as well as, the proceedings resultant thereto, pending before the learned

trial Court, are ordered to be quashed, qua the petitioners only.

22. The compromise deed, Annexure P-2, and the statements of the parties, recorded in the Court, shall form part of the judgment.

23. Pending miscellaneous applications, if any, shall also stand disposed of accordingly.

(Virender Singh)
Judge

28th November, 2025
(Pramod Kumar)