



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.96 of 2026
Date of Decision: 25.03.2026

Abhishek	Petitioner
	Versus	
State of H.P. & Ors.		... Respondents

Coram:

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

For the Petitioner: Mr. Ishan Sharma, Advocate.**For the Respondents:** Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

Ms. Mamta Thakur, Advocate, for respondent No.4.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short "**BNSS**"), prayer has been made on behalf of the petitioner (in short "**accused**") for quashing of FIR No.21 of 2022 dated 23.05.2022 under Sections 376 of Indian Penal Code and Section 6 of POCSO Act, registered at Women Police Station Mandi, District Mandi, H.P., as well as consequent proceedings, if any, pending adjudication in the competent Court of law, on the basis of the compromise arrived *inter*

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



se parties, 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.4/complainant (name withheld to protect her identity) (hereinafter to be referred to as '**complainant/ victim-prosecutrix**'), who alleged that on 01.03.2022, SHO Women Police Station Mandi, received telephonic call from Child Line, Mandi, wherein it was reported that complainant/ victim-prosecutrix had been sexually assaulted by a person namely Abhishek. It also came to be reported that complainant/victim-prosecutrix was seven months pregnant. In afore background, FIR, sought to be quashed in the instant proceedings, came to be instituted against the accused, who otherwise stands enlarged on bail.

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/ victim-prosecutrix and accused named in the FIR have entered into compromise, whereby they have resolved to settle the dispute amicably *intere se* them. Complainant/ victim-prosecutrix and



accused have solemnized marriage and out of their wedlock, two children have born, as such, accused has approached this Court in the instant proceedings, for quashing of FIR as well as consequent proceedings, if any, pending adjudication in the competent court of law.

4. Pursuant to notices issued in the instant proceedings, though respondent-State has filed status report issued under the signatures of SHO Women Police Station, Mandi, wherein factum of compromise arrived *inter se* parties has been duly acknowledged. Complainant/ victim-prosecutrix, who has now attained majority, has given statement to the Police to the effect that she has already solemnized marriage with the accused and out of their wedlock, two children have born, as such, she does not wish to prosecute the case further.

5. Complainant/ victim-prosecutrix, has come present in person and is identified by Ms. Mamta Thakur, 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 the since FIR sought to be quashed was not lodged by her, rather same came to be lodged after her visit to hospital for medical check up, coupled with the fact that she has already



solemnized marriage with the accused and out of their wedlock, two children have born, 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 is acquitted of charges framed against him. While admitting the contents of compromise placed on record to be correct, she also admits her signatures thereupon. Her statement is taken on record.

6. After having heard aforesaid statement made on oath by the complainant/ victim-prosecutrix, Mr. Rajan Kahol, learned Additional Advocate General, states that though parties have entered into compromise, but having taken note of the fact that petitioner is accused of heinous crime punishable under Section 376 of Indian Penal Code and Section 6 of POCSO Act, prayer made on behalf of the accused deserves to be rejected. However, he fairly 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.

7. True it is that petitioner is accused of heinous crime punishable under Section 376 Indian Penal Code and Section 6 of POCSO Act, but once complainant/ victim-prosecutrix has already solemnized marriage with accused and out of their wedlock, two children have born, no fruitful purpose would be served in case FIR, sought to be quashed, is permitted to continue, rather continuation of



the same would further harm the complainant/ victim-prosecutrix, who otherwise has stated before this Court that she is living happy married life with her husband.

8. 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?

9. 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.

10. 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.



11. 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.

12. 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.

13. Since, in the case at hand, complainant/ victim-prosecutrix has already solemnized marriage with the accused and she is living happy married life, it would be in the interest of justice to accept the prayer made on behalf of the accused for quashing of the FIR as well as consequent proceedings, which if otherwise allowed to sustain may disturb the happy married life of complainant/ victim-prosecutrix and the accused. No doubt, while accepting prayer for quashing of the FIR in heinous crime like rape, etc. interest of society at large is to be kept in mind rather than the interest of an individual, however in the facts and circumstances of the case, as detailed hereinabove, interest of complainant/ victim-prosecutrix appears to be of paramount importance, if is not protected and accused is left to be prosecuted for his having committed the offences punishable under Section 376 Indian Penal Code and Section 6 of POCSO Act, ultimate loser would be complainant/ victim-prosecutrix, as such, no fruitful purpose would be served in continuing with the criminal proceedings. Otherwise also, there are bleak and remote chances of conviction of



accused, as such, this Court sees no impediment in accepting the prayer made by the accused for quashing of FIR.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.21 of 2022 dated 23.05.2022 under Sections 376 of Indian Penal Code and Section 6 of POCSO Act, registered at Women Police Station Mandi, District Mandi, H.P., as well as consequent proceedings, if any, pending adjudication in the competent court of law are quashed and set aside. Accused is acquitted of the charges framed against him.

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

**(Sandeep Sharma),
Judge**

March 25, 2026
(sunil)