

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MMO No. 863 of 2025****Reserved on: 6.3.2026****Date of Decision: 23.3.2026.****Shubham****.... Petitioner****Versus****State of HP & anr.****.... Respondents*****Coram******Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No.*****For the Petitioner : Mr Kunal Takur, Advocate.****For Respondent No.1 : Mr Prashant Sen, Deputy Advocate General.****For Respondent No.2 : Mr Ram Lal Thakur, Advocate.*****Rakesh Kainthla, Judge***

The petitioner has filed the present petition for quashing of FIR No. 112 of 2024, dated 22.11.2024, registered at Police Station Kandaghat, District Solan, H.P., for the commission of offences punishable under Section 64 of Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 (POCSO

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

Act) and consequential proceedings arising out of the said FIR based on the compromise effected between the parties.

2. It has been asserted that the accused and the victim had married each other on 6.8.2025, and they are residing happily. The continuation of the proceedings would not serve any fruitful purpose. Hence the petition.

3. Statement of the victim was recorded on 17.11.2025, in which she stated that she had married the petitioner/accused voluntarily without any influence, and she was residing with the petitioner/accused. The statements of the victim's mother and the petitioner's mother were recorded on 18.11.2025, in which they acknowledged the solemnization of the marriage.

4. I have heard learned counsel for the parties and have gone through the records carefully.

5. The police have filed a status report confirming that the marriage between the victim and the petitioner was solemnized and they are residing together.

6. This Court held in *Shri Devi vs. State of H.P. 2019 (3) ShimLC 1746*, that where the accused has married the victim, and children are born to them, the continuation of the proceedings

would be a futile exercise, and the F.I.R. can be quashed in these circumstances. It was observed:

“9. It is a matter of fact that during the pendency of the present petition, accused-respondent No.2, who was in judicial custody as an undertrial prisoner, was enlarged on interim bail on 07.01.2019, and thereafter complainant-petitioner and accused respondent No.2 are cohabiting in the matrimonial home of the petitioner-complainant, i.e. in the native village of accused respondent No.2 in Jammu along with their child. Later on, vide order dated 05.08.2019 passed in Cr. M.P.(M) No. 1757 of 2018, the interim bail granted to the accused-respondent No.2 has also been affirmed. Since January 2019, no untoward incident of harassing or torturing the complainant-petitioner has been reported or noticed.

10. It is a peculiar nature of the case, where the complainant and accused are residing under one and the same roof as husband and wife. Technically speaking, complainant-petitioner has solemnized marriage with accused-respondent No.2, when she was minor and has not attained the age of discretion at that time, but fact remains that she lived and is living with him in his parental house and has given birth to a child and before attaining age of majority, she also filed a complaint, which resulted into registration of FIR against accused-respondent No.2 and after attaining the age of discretion, she has filed present petition for quashing the criminal proceedings initiated against her husband for betterment of her life as well as welfare of her child. After the grant of bail to the accused-respondent No.2, she has accompanied him along with her child and is residing in her matrimonial house. It is true that as a matter of principle, quashing of FIR based on compromise should not be permitted in case of heinous crime like Section 376 IPC, that too with minor, for the reason that said crime is against the society having adverse impact on it and also that possibility of compromise under any kind of pressure,

threat or coercion cannot be ruled out. In such cases, victims normally belong to the weaker class. But in given facts and circumstances of the present case, where offence of rape is made out because a young girl, without waiting for attaining the age of discretion, has left her house to marry accused-respondent No.2 and subjected herself to cohabitation, resulting into delivery of child, and now again residing in her matrimonial house with respondent-accused it cannot be compared with other cases.

11. Observation of the Coordinate Bench of this Court in a similar case decided on 12.01.2017 in Cr.MMO No. 385 of 2016, titled as Chander Vir Kaundal vs. State of H.P., would also be relevant, where it is recorded that, looking at the case from another angle, since the petitioner has solemnised marriage with the respondent, obviously, there is no possibility of her supporting the charge in case the petitioner is put to trial. Therefore, in such circumstances, the continuation of criminal proceedings would only cause untoward torture or harassment apart from creating undue social and psychological pressure upon the private parties, and it would be an extremely sad story in case the complainant is called in the witness box to depose against the accused, who is none other than her husband.

12. In the present case, also deposition of the victim in the Court in consonance with the prosecution case would lead to landing her husband in jail and pushing her and her child into the pitch dark, whereas retracting from her earlier version may put her in unnecessary trouble.

7. Hon'ble Division Bench of this Court also held in *Ranjeet Kumar v. State of H.P.*, 2023 SCC OnLine HP 1625, that when the accused and the victim married each other, and they were residing happily, the Court can quash the F.I.R. in exercise of its inherent jurisdiction. It was observed:

“45. In the given facts and circumstances, we are persuaded to uphold the view taken by the learned Single Judge(s) in *Sahil and Sakshi's cases* (supra) and conclude that the High Court in a case of instant kind where the victim had earlier alleged that she had been subjected to sexual assault but then has later on settled the dispute and has got married to the accused and is leading a peaceful life. Invariably, in such cases, the Court, after being satisfied, would not allow the prosecution to continue, which would only result in disturbances of their happy family life.

46. This Court based on the material placed on record has satisfied itself that the child victim and her family members have settled the dispute and the victim is now leading a happy and a peaceful married life and, therefore, allowing the prosecution to continue in such case would only result in disturbance in their happy family life, and ends of justice in such circumstances would demand that the parties be allowed to compromise. We are further satisfied that such a compromise is not a camouflage to escape punishment, and the consent given by the victim for the compromise is voluntary. Lastly and more importantly, the Court is satisfied after considering all the facts and circumstances of the case that quashing the proceedings would promote justice for the victim and continuance of the proceedings would otherwise cause injustice. Ordered accordingly.”

8. Hon’ble Supreme Court also held in *Mahesh Mukund Patel vs. State of U.P. & others* 2025 SCC OnLine SC 614, that when the accused and victim were happily married, no fruitful purpose would be served by continuing the prosecution, and it was a fit case where the High Court should have exercised the jurisdiction

under Section 482 of Cr.P.C. by quashing the proceedings. It was observed: –

“7. Now that the appellant and third respondent are happily married, no purpose will be served by continuing the prosecution, as it will cause undue harassment to the appellant, the third respondent and their children.

8. Coming to the impugned order, we find that the marriage certificate was placed on record before the High Court. In fact, no objection by the first informant is also recorded in the impugned order. Surprisingly, the High Court, instead of entertaining the petition for quashing on the ground of settlement, has observed that the application for dropping criminal proceedings on the basis of compromise may be moved before the Trial Court. The High Court completely lost sight of the fact that the Trial Court could not have recorded the settlement, and in fact, this was a fit case for the High Court to have exercised its jurisdiction under Section 482 of the Cr. P.C. by quashing the proceedings. Unnecessarily, the parties have been forced to come to this Court.”

9. In view of the above binding precedents, the present petition is allowed and FIR No. 112 of 2024, dated 22.11.2024, registered at Police Station Kandaghat, District Solan, H.P., for the commission of offences punishable under Section 64 of BNS, Sections 4 and 6 of POCSO Act and the consequent proceedings pending/initiated against the petitioner-accused in pursuance thereto are quashed.

10. Petition stands disposed of in the above terms, so also pending miscellaneous applications, if any.

11. Parties are permitted to produce a copy of this judgment, downloaded from the webpage of the High Court of Himachal Pradesh, before the authorities concerned, and the said authorities shall not insist on the production of a certified copy, but if required, may verify passing of the order from the Website of the High Court.

(Rakesh Kainthla)
Judge

23rd March, 2026
(Chander)