

IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

Cr. MMO No. 959 of 2025
Decided on: 14.10.2025

Dharmender & ors.

... Petitioners

Versus

State of H.P. & ors.

... Respondents

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Petitioners : Petitioners in person with Mr. Dinesh Thakur, Advocate.

For the Respondents : Mr. Tejasvi Sharma and Mr. Varun Chandel, Addl. AGs, for the respondent No. 1.

Respondent No. 2 in person with
Ms. Kiran Sharma, Advocate.

Virender Singh, Judge (oral)

The petitioners have filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (hereinafter referred to as 'the B.N.S.S.) for quashing of FIR No. 80 of 2015, dated 12.11.2015 (hereinafter referred to as 'the FIR in question'), registered under Sections 147, 149, 451, 323, 504, 506, 427 of the Indian Penal Code (hereinafter referred to as 'the IPC') and Section 181

of Motor Vehicles Act (hereinafter referred to as 'the M.V. Act') with Police Station, Swarghat, District Bilaspur, H.P., as well as, the proceedings resultant thereto, stated to be pending before the Court of learned Judicial Magistrate First Class, Bilaspur, District Bilaspur, H.P. (hereinafter referred to as 'the trial Court').

2. The factual position, as emerges from the record is that on 12.11.2015, complainant/respondent No. 2 moved a complaint before the Police, disclosing therein that on the aforesaid date, when, he was working in his sweets shop, then, a vehicle bearing registration No. HP12-A-5432, stopped near his shop, in which 10-12 persons (petitioners) were sitting and after entering the shop, they started beating him. When, one Subhash (respondent No. 3), tried to save him from the clutches of the petitioners, then, they have also beaten him up.

3. Thereafter, on the statement of respondent No. 2, FIR in question has been lodged against the petitioners and one Child in Conflict with Law (hereinafter referred to as 'the CCL'). After registration of the FIR, Police has conducted investigation in the matter and filed charge sheet against the petitioners, which is stated to be pending in the learned trial Court, whereas, the CCL has been convicted by the Juvenile Justice Board, District Bilaspur, H.P.

4. It is also the case of the petitioners that now, the matter has been compromised, in pursuance of compromise, Annexure P-3, as the parties want to maintain their cordial relations, in future.

5. On all these submissions, a prayer to allow the present petition, by quashing the FIR in question, as well as, proceedings resultant thereto, has been made.

6. When put to notice, respondent-State has filed status report, disclosing therein, the factual position, about the manner, in which, the FIR in question has been registered and criminal machinery swung into motion.

7. It is the further case of respondent-State that after completion of investigation, report under Section 173(2) of Cr. P.C. has been filed, which is pending adjudication, before the learned trial Court.

8. The person, who had put criminal machinery into motion, by making statement under Section 154 Cr. P.C., before the Police, i.e. respondent No. 2 has appeared in Court today and has made a statement, on oath, about the manner, in which, he has lodged the FIR in question and factum of the compromise, which has been effected, between the parties, in order to maintain cordial relations between him, respondent No. 3 and the

petitioners, as they want to live peacefully in the society.

9. Lastly, respondent No. 2, in unequivocal terms, has deposed that he does not want to proceed further with the matter.

10. Respondent No. 3 has also deposed on the similar lines.

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

12. Heard.

13. Complainant/respondent No. 2 has categorically stated, in his statement, on oath, that the compromise has been effected between the parties, in order to maintain their cordial relations, in future.

14. In view of the compromise deed, Annexure P-3, which bears the signatures of petitioners, and respondents No. 2 and 3 respondent No. 2 does not want to proceed further with the case and has no objection, in case, the FIR

in question, as well as, the proceedings resultant thereto, pending before the learned trial Court, are quashed and the present petition is allowed.

15. Moreover, when, the parties have settled the dispute with regard to FIR in question, then the compromise, which has been entered into between the parties, annexed with the petition as Annexure P-3, should be honoured by this Court, as no useful purpose would be served, by keeping the proceedings alive.

16. The primary purpose of law is to maintain peace in the society and when, the parties to the lis, i.e. petitioners, and respondent Nos. 2 and 3, have buried all their disputes and compromised the matter, then, the continuation of the criminal proceedings, arising out of FIR in question, lodged by respondent No. 2, would certainly amount to abuse of the process of law.

17. Acceptance of the compromise would also save the precious judicial time of the learned

trial Court, as, the learned trial Court would be in a position to devote such time, for deciding some other serious disputes, pending before it.

18. Considering all these facts, the present petition is allowed and FIR in question, as well as, proceedings consequent thereto, pending adjudication before the learned trial Court, are quashed.

19. The statements of the parties and the compromise, Annexure P-3, be read as part of the judgment.

20. Pending miscellaneous application(s), if any, also stands disposed of.

(Virender Singh)
Judge

14.10.2025
Kalpana