

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.1081 & 1082 of 2025

Date of Decision: 25.03.2026

1. Cr.MMO No.1081 of 2025

Sukhwinder @ Sonu

.....Petitioner

Versus

State of H.P. & Anr.

.....Respondents

2. Cr.MMO No.1082 of 2025

Sonia & Ors.

.....Petitioners

Versus

State of H.P. & Anr.

.....Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner:

Mr. Sudhir Thakur, Senior Advocate, with
Mr. Somesh Sharma, Advocate, in Cr.MMO
No.1081 of 2025.

Mr. Praveen Chauhan, Advocate, in Cr.MMO
No.1082 of 2025.

For the Respondents:

Mr. Vishal Panwar, Additional Advocate
General with Mr. Ravi Chauhan & Mr. Anish
Banshtu, Deputy Advocates General, for the
respondents-State.

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

Mr. Somesh Sharma, Advocate, for respondent No.2, in Cr.MMO No.1082 of 2025.

Mr. Praveen Chauhan, Advocate, for respondent No.2, Cr.MMO No.1081 of 2025.

ASI Sandeep Kumar, PS Kala Amb, District Sirmour, Himachal Pradesh, present in person.

Sandeep Sharma, Judge(oral):

By way of above captioned petitions filed under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, prayer has been made by the petitioners-accused (in short "***accused***") in both the cases for quashing of FIR No.90 of 2025, dated 07.06.2025, under Sections 333, 64 and 351(2) of Bharatiya Nyaya Sanhita, and FIR No.91 of 2025, dated 07.06.2025, under Sections 126 (2), 115 (2), 191 (2), 190, 351 of Bharatiya Nyaya Sanhita, registered at Police Station Kala Amb, Tehsil Nahan, District Sirmaur, 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 se* parties, whereby they have resolved to settle the dispute amicably *inter se* them.

2. Precisely, the facts of the cases, as emerge from the pleadings as well as other material adduced on record by the respective parties, are that FIR No.90 of 2025, sought to be quashed, in the instant proceedings came to be lodged at the behest of Ms.

Sonia, petitioner No.1 in Cr.MMO No.1082 of 2025 and respondent No.2 in Cr.MMO No.1081 of 2025, who alleged that on 07.06.2025 at about 01:30 a.m. Sukhwinder @ Sonu i.e. petitioner in Cr.MMO No.1081 of 2025 forcibly entered her house and successfully assaulted her against her wishes. She alleged that though she attempted to raise alarm, but above named Sukhwinder @ Sonu extended threats to do away with her life and her son. In the afore background, FIR, as detailed hereinabove, came to be lodged against the Sukhwinder @ Sonu.

3. FIR No.91 of 2025 came to be lodged at the behest of Ms. Krishna Devi, respondent No.2 in Cr.MMO No.1082 of 2025, alleging therein that on 07.06.2025 at 01:00 p.m. person namely Gaurav & Sonia i.e. petitioners No.1 & 2 in Cr.MMO No.1082 of 2025 called her as well as her son Sukhwinder @ Sonu i.e. petitioner No.1 in Cr.MMO No.1081 of 2025 and accused in FIR No.90 of 2025. She alleged that when they visited the house of afore persons, Mr. Jaswant Singh, Pradhan Gram Panchayat and other persons namely Dharamveer, Vishal, Rohit and Mukesh were also present there. She alleged that persons named hereinabove firstly obstructed their path and thereafter, gave beatings with the help of stick (danda), as a result thereof, they suffered multiple injuries.

4. Though in both the afore FIRs, after completion of investigation, Police has already presented challan in the competent Court of law against the accused, but before same could be taken to its logical end, parties have entered into compromise, whereby they have resolved to settle the dispute amicably *inter se* them, as such, accused have 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.

5. Conjoint reading of both the FIRs No.90 and 91 of 2025 clearly reveals that same have been lodged on the same date qua same series of events and complainant in FIR No.90 of 2025 is accused in FIR No.91 of 2025 along with her son Gaurav as well as persons namely Dharamveer, Vishal, Rohit and Mukesh, whereas person namely Sukhwinder @ Sonu is accused in FIR No.90 of 2025 and her mother Smt. Krishna Devi is complainant in FIR No.91 of 2025.

6. Pursuant to orders passed by this Court, respondent-State has filed status report under the signatures of SHO, PS Kala Amb, District Sirmaur, Himachal Pradesh, wherein factum of compromise *inter se* parties in both the FIRs have been duly acknowledged. To substantiate the factum of compromise *inter se* parties, Police has also placed on record statements of complainant

as well as accused recorded in both the FIRs, perusal whereof clearly reveals that parties have resolved to settle the dispute amicably *inter se* them and they do not wish to prosecute the case further.

7. Complainants in the cases namely Ms. Sonia and Smt. Krishna Devi have come present before this Court and are duly represented by their respective counsels. Ms. Sonia in FIR No.90 of 2025 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 FIR sought to be quashed is a result of misunderstanding and on the date of alleged incident, nothing wrong had happened against her, rather FIR was outcome of altercation, which took place *inter se* parties, as such, 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 Sukhwinder @ Sonu is acquitted of charges framed against him. While admitting contents of compromise placed on record to be correct, she also admits her signatures thereupon. Her statement is taken on record.

8. Ms. Krishna Devi, complainant in FIR No.91 of 2025 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 FIR No.91 of 2025 sought to be quashed is a result of misunderstanding and accused have already apologized for their behaviour and have undertaken not to repeat such act in future, as such, 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 are acquitted of charges framed against them. While admitting contents of compromise placed on record to be correct, she also admits her signatures thereupon. Her statement is taken on record.

9. After having heard aforesaid statements made on oath by Ms. Sonia and Ms. Krishna Devi, Mr. Ravi Chauhan, learned Court below, fairly states that no fruitful purpose would be served in case, FIR as well as consequent proceedings pending adjudication in the competent court of law are allowed to sustain. He further states that otherwise also chances of conviction of the accused are very remote and bleak on account of statements made by the Ms. Sonia and Ms. Krishna Devi on oath, as such, this court may proceed to pass appropriate orders.

10. 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., as such offences are not private in nature and have a serious impact on society?

11. 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 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.

12. 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.

13. 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 are of a personal nature, burying them would bring about peace and amity between the two sides.

14. 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.

15. In the case at hand also, offences alleged to have been committed by the accused do not involve offences of moral turpitude

or any grave/heinous crime, rather same are petty offences, and 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 accused and complainant have compromised the matter *inter se* them, in which case, possibility of conviction is remote and no fruitful purpose would be served in continuing with the criminal proceedings.

16. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (*supra*), FIR No.90 of 2025, dated 07.06.2025, under Sections 333, 64 and 351(2) of Bharatiya Nyaya Sanhita, and FIR No.91 of 2025, dated 07.06.2025, under Sections 126 (2), 115 (2), 191 (2), 190, 351 of Bharatiya Nyaya Sanhita, registered at Police Station Kala Amb, Tehsil Nahan, District Sirmaur, H.P., as well as consequent proceedings, if any, pending adjudication in the competent court of law are quashed and set aside. Accused are acquitted of the charges framed against them.

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

**(Sandeep Sharma),
Judge**

March 25, 2026
(sunil)