

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1233 of 2023

Reserved on: 5.3.2026

Date of Decision: 23.3.2026.

Ved Prakash

.... 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 Rajesh Kashyap, Advocate.

For Respondent No.1 : Mr Prashant Sen, Deputy Advocate General.

For Respondent No.2 : Ms Pooja, Advocate, vice Ms Anu Tuli, Advocate.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 26 of 2012, dated 18.7.2012, registered at Police Station Chopal, District Shimla, H.P., for the commission of offences punishable under Sections 341 and 323 read with Section 34 of the Indian Penal Code (IPC).

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

2. It has been asserted that the petitioner had applied for a licence as a PWD Contractor and found that FIR No.26 of 2012 was pending against him before the Gram Panchayat Lingzar; the petitioner had not received any notice from the Gram Panchayat or any Court of law. The continuation of proceedings amount to an abuse of the process of the Court. Hence, the petition.

3. The petition was opposed by filing a reply asserting that the police had filed a charge sheet against the petitioner before the Secretary, Gram Panchayat, Lingzar vide Road Certificate No.34/12, dated 12.9.2012. The allegations in the FIR disclose the commission of a cognizable offence, and the FIR should not be quashed.

4. A reply was also filed on behalf of Gram Panchayat, Lingzar, asserting that the Gram Panchayat came to know in July 2025 that some proceedings were pending. No action was taken in the matter.

5. I have heard Mr Rajesh Kashyap, learned counsel for the petitioner, Mr Prashant Sen, learned Deputy Advocate

General, for respondent No.1/State and Ms Pooja, learned counsel representing respondent No.2/informant.

6. Mr Rajesh Kashyap, learned counsel for the petitioner, submitted that no action was taken by the Gram Panchayat in fourteen years, and continuation of the proceedings is an abuse of the process of law. Therefore, he prayed that the present petition be allowed and the FIR be quashed.

7. Mr Prashant Sen, learned Deputy Advocate General, for respondent No.1-State, submitted that the victim/informant should not be penalised for the fault of the Gram Panchayat. Hence, he prayed that the present petition be dismissed.

8. Ms Pooja, learned counsel for respondent No.2/informant submitted that she had no objection in case the present petition is allowed.

9. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

10. The replies filed by the State and the Gram Panchayat, Lingzar, show that the challan was forwarded to the Gram Panchayat in the year 2012, but no action was taken in the matter. The matter remained pending till 2025. It was laid down

by the Hon'ble Supreme Court in *Ranjan Dwivedi v. CBI*, (2012) 8 SCC 495: (2012) 3 SCC (Cri) 945: 2012 SCC OnLine SC 611 that the right of speedy trial is intended to avoid oppression. It was observed at page 511:

“20. The guarantee of a speedy trial is intended to avoid oppression and prevent delay by imposing on the court and the prosecution an obligation to proceed with the trial with a reasonable dispatch. The guarantee serves a threefold purpose. Firstly, it protects the accused against oppressive pre-trial imprisonment; secondly, it relieves the accused of the anxiety and public suspicion due to unresolved criminal charges, and lastly, it protects against the risk that evidence will be lost or memories dimmed by the passage of time, thus impairing the ability of the accused to defend himself or herself. Stated another way, the purpose of both the criminal procedure rules governing speedy trials and the constitutional provisions, in particular, Article 21, is to relieve an accused of the anxiety associated with a suspended prosecution and provide reasonably prompt administration of justice.”

11. Section 33 of the Himachal Pradesh Panchayati Raj Act empowers the Gram Panchayats to impose a fine not exceeding ₹100/-. It is a travesty of justice that a proceeding for imposing a fine not exceeding ₹100/- is pending before the Gram Panchayat for more than 14 years. Speedy trial is a basic right of an accused, which is being violated in the present case. The petitioner cannot wait indefinitely, hoping for the issuance of the notice to him and the conclusion of the proceedings. Therefore,

the challan pending before the Gram Panchayat is liable to be quashed because of the delay.

12. The learned counsel for the informant/complainant stated that she had no objection in case the FIR is quashed. The charge sheet was filed for the commission of offences punishable under Sections 341 and 323, read with Section 34 of the IPC, which are compoundable. Therefore, the continuation of the proceedings after the statement made by learned counsel for respondent No.2/complainant would be an exercise in futility.

13. In view of the above, the present petition is allowed and the FIR No. 26 of 2012, dated 18.7.2012, registered at Police Station Chopal, District Shimla, H.P., for the commission of offences punishable under Sections 341 and 323 read with Section 34 of IPC and the consequent proceedings pending/initiated against the petitioner-accused in pursuance thereto are quashed.

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

15. 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)