IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.661 of 2026

Date of Decision: 03.07.2026

Dinesh Thakur .....Petitioner

Versus

State of H.P. & others … Respondents

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

For the Petitioner:	Mr. Panku Chaudhary, Advocate.
For the Respondents:	Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates Generals, for the respondents-State. Mr. Rakesh Chaudhary, Advocate, for respondent No.4.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, prayer has been made on behalf of the petitioner for quashing of FIR No. 13 of 2025, dated 13.02.2025, under Sections 64, 308(2) and 351(2) of Bhartiya Nyaya Sanhita, registered at Police Station, Khundian, District Kangra, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law, on the basis of the compromise arrived *inter se* parties, whereby both the parties have resolved to settle their dispute amicably *interse* them.

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

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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 (named withheld to protect her identity), alleging therein that petitioner herein, who at the relevant time had taken a room on rent in a house adjacent to her residence, clicked her obscene photographs and thereafter repeatedly sexually assaulted her on the pretext that in case she makes any complaint, he would make her obscene photographs viral. She alleged that despite her repeatedly informing the petitioner that she was a married woman, having two children, petitioner yet taking note of her being alone in the house, sexually assaulted her against her wishes. She alleged that she was unable to disclose the incident to her husband and other family members for the reason that petitioner had been extending her threats to make her video viral. She also alleged that accused not only sexually assaulted her, but took money from her as well as gold ornaments on certain occasions. In the aforesaid background, FIR, sought to be quashed, came to be lodged against the accused i.e. petitioner herein. Though, after completion of the investigation, police has already presented the challan in the competent Court of law, but before same could be taken to its logical end, parties have entered into compromise, whereby they resolved to settle their dispute amicably

interse them. In the aforesaid background, petitioner has approached this Court in the instant proceedings for quashing of the FIR as well as consequent proceedings pending in the competent Court of law.

3. Pursuant to the directions issued by this Court, respondent-State has filed status report under the signatures of SHO, Police Station, Kundian, District Kangra, Himachal Pradesh, wherein factum of compromise arrived *inter se* parties has been duly acknowledged.

4. Complainant/victim/prosecutrix has come present in Court and is being represented by Mr. Rakesh Chaudhary, Advocate. She states on oath before this Court that she of her own volition and without there being any external pressure has entered into the compromise with the petitioner, whereby both the parties have resolved to settle their dispute amicably *inter se* them. She states that FIR, sought to be quashed, is result of misunderstanding, coupled with the fact that petitioner has already apologized for his misbehaviour and misconduct and as such, she does not wish to prosecute the case further. She further states that since she is now residing peacefully with her family, she as well as her family members do not wish to prosecute the case further and shall have no objection in case FIR as well as consequent proceedings pending in the competent Court of law, are quashed and set-aside and petitioner-accused is acquitted of the charges framed against him. While

admitting the contents of the compromise placed on record to be correct, she also admits her signature. Her statement is taken on record.

5. Mr. Ravi Chauhan, learned Deputy Advocate General, after having heard the aforesaid statement made by the victim/prosecutrix, states that though victim/prosecutrix has entered into the compromise with the petitioner, but this Court may not lose sight of the fact that petitioner has committed heinous crime under Section 64 of Bhartiya Nyaya Sanhita and in the event of his prayer being accepted, adverse message would go to the society. However, he fairly states that chances of conviction of petitioner-accused are very remote and bleak in view of the statement made by the victim/prosecutrix and as such, respondent-State shall have no objection in case the prayer made in the petition is allowed.

6. True it is that, as per the law laid down by the Hon'ble Apex Court in **Narinder Singh and others** versus **State of Punjab and another** (2014)6 SCC 466, the High Court, while exercising power under Section 482 Cr.P.C(now 528 of BNSS) should be reluctant to accept the compromise in cases involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. However, taking note of peculiar facts and circumstances of the case, wherein the victim/prosecutrix has virtually resiled from

her statement given to the police at the time or registration of FIR, coupled with the fact that victim/prosecutrix is having two children and at present she is living happy married life with her husband, no fruitful purpose would be served in case FIR sought to be quashed is permitted to sustain, rather that may unnecessarily cause problem in the married life of the victim/prosecutrix.

7. The question which now needs consideration is “whether FIR’s 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 S. 482 CrPC is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., since such offences are not private in nature and have a serious impact on society”.

8. 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 of the Code is to be distinguished from the power which lies in the Court to compound the offences

under Section 320 of the Code. No doubt, under Section 482 of the Code, 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.

9. 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.

10. 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.PC. 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.PC 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.

11. 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.

12. Since, in the case at hand, respondent No.4/victim is a married lady having two children and is living happy married life with her husband, it would be in the interest of justice to accept the prayer made on behalf of the petitioner/accused for quashing of the FIR as well as consequent proceedings, which if otherwise allowed to sustain may disturb the happy married life of the respondent No.4/victim. 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 victim/prosecutrix appears to be of paramount importance, which if is not protected, ultimate sufferer would be respondent No.4/victim and 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 and as such, this court sees no impediment in accepting the prayer made by petitioner for quashing of FIR.

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 13 of 2025, dated 13.02.2025, under Sections 64, 308(2) and 351(2) of

Bhartiya Nyaya Sanhita, registered at Police Station, Khundian, District Kangra, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law, are quashed and set aside. Accused is acquitted of the charges framed against him.

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

(Sandeep Sharma),
Judge

July 03, 2026
(shankar)