

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****Cr.MMO No.147 of 2026****Date of Decision: 20.03.2026**

Sant Ram & othersPetitioner

Versus

State of H.P. & others ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Raju Ram Rahi & Mr. Vipran Rajta,
Advocates.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocate Generals with Mr. Ravi
Chauhan & Mr. Anish Banshtu, Deputy
Advocates General, for the respondent-State.

Mr. Harish Sharma, Advocate, for respondent
No.2.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, prayer has been made on behalf of the petitioners for quashing of FIR No.22 of 2024, dated 19.05.2024 under Sections 366-A, 376, 372, 323 and 506 read with Section 34 of IPC, Sections 4, 6 and 21 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of the Child Marriage Act, registered at police Station, Kupvi, District Shimla, Himachal Pradesh as well as consequent proceedings in Sessions Trial POCSO Act 09 of 2024, titled **State vs. Khaiya Ram and others**

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



pending adjudication in the Court of learned Additional Sessions Judge, Fast Track Special Court (POCSO), Shimla, District Shimla, Himachal Pradesh, on the basis of the compromise arrived *inter se* parties (**Annexure P-5**), whereby both the parties have resolved to settle their dispute amicably *inter se* them.

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 instituted at the behest of Sh. Santosh Kumar, maternal Uncle of respondent No.2/prosecutrix (**hereinafter referred to as the complainant**), who alleged that maternal grandfather of the victim/prosecutrix, Sh. Khem Chand, respondent No.6 sold her minor granddaughter i.e. victim-prosecutrix to petitioners No.1 and 2 in lieu of some money. He also alleged that the victim/prosecutrix, who was minor at the time of incident, was also not helped by her mother Smt. Reena respondent No.3, rather she also encouraged his father, respondent No.6 to do unlawful act, as detailed hereinabove. On the aforesaid complaint, FIR, sought to be quashed, came to be lodged against the petitioners. During investigation, it transpired that petitioner, namely Sant Ram, solemnized marriage with the victim/prosecutrix and out of their wedlock, one baby boy has born. Since at the time of alleged marriage *inter se* petitioner No.1 and victim/prosecutrix,



victim/prosecutrix was minor, coupled with the fact that she had given birth to one child, a case under Child Marriage Act also came to be registered against petitioner No.1, who is otherwise behind the bars since 19th May, 2024. 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 the dispute amicably *interse* them. In the aforesaid background, prayer has been made on behalf of the petitioners for quashing of the FIR as well as consequent proceedings.

3. Pursuant to notices issued in the instant proceedings, respondent-State has filed status report under the signatures of SHO, Police Station Kupvi, District Shimla, Himachal Pradesh, which is silent about the compromise, however, careful perusal of the same reveals that petitioner No.1 is biological father of the child born from the womb of the prosecutrix/victim. Investigating Officer, who is present in Court, apprised this Court that at present victim/prosecutrix has been residing in the house of her husband at village Gonth, Tehsil Kupvi, District Shimla, Himachal Pradesh.

4. Respondent No.2/victim-prosecutrix, who has now attained majority, has also come present in Court and is being represented by Mr. Harish Sharma, Advocate. She states on oath before this Court that she of her own volition and without there being



any external pressure has entered into compromise, whereby both the parties have resolved to settle their dispute amicably *interse* them. She states that FIR, sought to be quashed, is result of misunderstanding. She states that she of her own volition and without external pressure has joined the company of petitioner No.1, who subsequently solemnized marriage with her. She states that her maternal grandfather as well as mother never compelled her to solemnize marriage with petitioner No.1. She states that since at present, she is residing in her in-laws house and living happy married life alongwith her child, she does not wish to prosecute the case further and shall have no objection in FIR as well as consequent proceedings pending in the competent Court of law, are quashed and set-aside and accused, named in the FIR, are acquitted of the charges framed against them. While admitting the contents of the compromise placed on record to be correct, she also admits his signature. Her statement is taken on record.

5. After having carefully perused the compromise placed on record and heard the statement made on oath by the victim/prosecutrix, Mr. Rajan Kahol, learned Additional Advocate General, states that though parties have entered into the compromise, but this Court cannot be lose sight of the fact that petitioners No.1 and 2 are the accused of heinous crime punishable under Sections 366-A, 376, 372, 323 and 506 read with Section 34 of IPC, Sections 4, 6 and



21 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of the Child Marriage Act, however learned Additional Advocate General fairly states that on account of the statement made by the victim-prosecutrix, chances of conviction of petitioner-accused are very remote and bleak.

6. True it is that petitioners herein are accused of heinous crime punishable under Sections 366-A, 376, 372, 323 and 506 read with Section 34 of IPC, Sections 4, 6 and 21 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of the Child Marriage Act, but once victim/prosecutrix has already solemnized marriage with petitioner No.1 and out of their wedlock one child has born, who at present is 1 ½ years old, no fruitful purpose would be served in case FIR, sought to be quashed, is permitted to continue, rather continuation of the same would further harm the victim/prosecutrix, who otherwise has stated before this Court that she is living happy married life with her laws.

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 (now section 528 of BNSS) 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”. Since in the present case, victim/prosecutrix has attained majority and she has already solemnized marriage with petitioner No.1 and out of their wedlock, one child has born, this Court is of the view that it may not be in the interest of both the parties to continue with criminal proceedings initiated at the behest of maternal uncle of victim/prosecutrix.

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 (now section 528 of BNSS) 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 (now section 528 of BNSS) 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.2/victim has already solemnized marriage with petitioner No.1 and she is living



happy married life, it would be in the interest of justice to accept the prayer made on behalf of the petitioners/accused for quashing of the FIR as well as consequent proceedings, which if otherwise allowed to sustain may disturb the happy married life of petitioner No.1 and respondent No.2/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, if is not protected and petitioner /accused is left to be prosecuted for his having committed the offence punishable under Section 366-A, 376, 372, 323 and 506 read with Section 34 of IPC, Sections 4, 6 and 21 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of the Child Marriage Act, ultimate loser would be respondent No.2/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 petitioners- accused and as such, this court sees no impediment in accepting the prayer made by petitioners 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.22 of 2024, dated 19.05.2024 under Sections 366-A, 376, 372, 323 and 506



read with Section 34 of IPC, Sections 4, 6 and 21 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of the Child Marriage Act, registered at police Station, Kupvi, District Shimla, Himachal Pradesh as well as consequent proceedings in Sessions Trial POCSO Act No. 09 of 2024, titled **State vs. Khaiya Ram and others** pending adjudication in the Court of learned Additional Sessions Judge, Fast Track, Special Court (POCSO), Shimla, District Shimla, Himachal Pradesh, are quashed and set aside. Accused are acquitted of the charges framed against them.

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

**(Sandeep Sharma),
Judge**

March 20, 2026
(shankar)