

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

Cr. MMO No. 1041 of 2025.

Reserved on: 25.02.2026.

Date of Decision: 11.03.2026.

Kanishk Sharma

...Petitioner

Versus

State of H.P. and another

...Respondents

*Coram**Hon'ble Mr Justice Rakesh Kainthla, Judge.**Whether approved for reporting?<sup>1</sup> No.*

For the Petitioner : Mr Vinod Gupta, Advocate.

For Respondent No.1/State : Mr Jitender Sharma, Additional  
Advocate General.

For Respondent No.2 : Mr Shwetima Dogra, Advocate.

**Rakesh Kainthla, Judge**

The petitioner has filed the present petition for quashing of FIR No. 124 of 2025, dated 12.08.2025, registered at Police Station Dharamshala, District Kangra, H.P. for the commission of offences punishable under Sections 62, 64, 74, 75, 76, 115(2) read with Section 3(5) of Bhartiya Nayaya Sanhita, 2023 (BNS) based on a compromise.

2. It has been asserted that the parties have settled the matter after the registration of the FIR. No fruitful purpose would be served by continuing with the proceedings. Hence, it is prayed

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

that the present petition be allowed and the FIR be quashed based on a compromise.

3. The informant appeared before this Court on 02.12.2025 and stated that she had lodged the complaint, but nothing had happened to her.

4. I have heard Mr Vinod Gupta, learned counsel for the petitioner, Mr Jitender Sharma, learned Additional Advocate General for respondent No.1/State and Ms Shwetima Dogra, learned counsel for respondent No.2.

5. Mr Vinod Gupta, learned counsel for the petitioner, submitted that the matter has been reconciled between the parties. The victim stated on oath that nothing had happened to her, and the continuation of the proceedings would be an exercise in futility. Hence, he prayed that the present petition be allowed and the FIR be quashed.

6. Mr Jitender Sharma, learned Additional Advocate General for the respondent No.1/State submitted that the offence punishable under Section 64 is heinous and cannot be compromised between the parties. Further, the informant has not stated anything about the compromise, and she has merely denied the incident. It is a matter of trial whether the incident

had taken place or not. Therefore, he prayed that the present petition be dismissed.

7. Ms Shwetima Dogra, learned counsel for respondent No.2, adopted the submissions of Mr Vinod Gupta, learned counsel for the petitioner.

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

9. The Hon'ble Supreme Court examined the power of the Court to quash the FIR based on the compromise in *Narender Singh versus State of Punjab, 2014 (6) SCC 466* and held that the heinous offences like murder, rape, etc, cannot be quashed based on a compromise effected between the parties. It was observed: -

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. 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 the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have settled and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions 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.* Similarly, the offences alleged to have been committed under special statutes 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 a compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes, should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak, and continuation of criminal cases would put the accused to great oppression and prejudice, and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crimes against society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine whether the incorporation of Section*

307 IPC is there for the sake of it or if the prosecution has collected sufficient evidence, which, if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of the injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, the nature of weapons used, etc. Medical reports in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this *prima facie* analysis, the High Court can examine whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case, it can refuse to accept the settlement and quash the criminal proceedings, whereas in the latter case, it would be permissible for the High Court to accept the plea compounding the offence based on a complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them, which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, the timings of settlement play a crucial role. In those cases where the settlement is arrived at immediately after the alleged commission of an offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is for this reason that at this stage the investigation is still on, and even the chargesheet has not been filed. Likewise, in those cases where the charge is framed but the evidence is yet to start, or the evidence is still at the infancy stage, the High Court can show benevolence in exercising its powers favourably, but after a *prima facie* assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from

exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same, resulting in the acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC, and a conviction is already recorded of a heinous crime; therefore, there is no question of sparing a convict found guilty of such a crime.” (Emphasis supplied)

10. This question was again considered in *Parbatbhai Aahir v. State of Gujarat*, (2017) 9 SCC 641: (2018) 1 SCC (Cri) 1: 2017 SCC OnLine SC 1189 and it was held that the heinous offences like murder, rape, dacoity, etc, cannot be quashed based on a compromise between the parties. It was observed:

“16. The broad principles which emerge from the precedents on the subject may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is

governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in the exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude, it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute revolves ultimately on the facts and circumstances of each case, and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. *Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed, though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.*

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour

may, in appropriate situations, fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if, in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in proposition 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications that lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.” (Emphasis supplied)

11. Similar principles were laid down in *State of M.P. v. Laxmi Narayan*, (2019) 5 SCC 688: (2019) 2 SCC (Cri) 706: 2019 SCC OnLine SC 320, and it was observed:

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised, having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape,

*duress, etc. Such offences are not private in nature and have a serious impact on society.*

15.3. Similarly, such power is not to be exercised for the offences under special statutes 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;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crimes against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine whether the incorporation of Section 307 IPC is there for the sake of it or if the prosecution has collected sufficient evidence, which, if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of the injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, the nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected, after investigation, the chargesheet is filed/the charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466: (2014) 3 SCC (Cri) 54 should be read harmoniously and to be read

as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.” (Emphasis supplied)

12. It was laid down in *Gian Singh v. State of Punjab, (2012) 10 SCC 303: 2012 SCC OnLine SC 769* that heinous and serious offences like murder, rape, dacoity, etc., cannot be quashed based on the compromise, and only offences which are predominantly civil in nature can be compromised. It was observed:

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR, or complaint in the exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation, but it has to be exercised in accord with the guideline engrafted in such power, viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case, and no category can be prescribed. However, before the exercise of such power, the High Court must have due regard to the nature and gravity of

the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., cannot be fittingly quashed even though the victim or the victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc., cannot provide any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominately civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from a commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. The contents of the FIR show that the petitioner and 5-6 persons had stopped the informant and attempted to rape her. When the victim resisted, they ran away from the spot. These allegations *prima facie* show an attempt to commit the rape, which is a heinous offence, and it is impermissible to quash the FIR based on the compromise in view of the binding precedents of the Hon'ble Supreme Court.

14. Consequently, the present petition fails, and it is dismissed.

15. The observations made hereinabove are regarding the disposal of this petition and will have no bearing, whatsoever, on the case's merits.

**(Rakesh Kainthla)**  
**Judge**

**11<sup>th</sup> March, 2026**  
(Nikita)