

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

**Cr.MMO No.806 of 2025**

**Date of Decision: 24.03.2026**

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Gaurav Sharma .....Petitioner

Versus

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

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Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

Whether approved for reporting? <sup>1</sup>

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**For the Petitioner:** Mr. Amit Singh Chandel and Mr. Janak Raj,  
Advocates.

**For the Respondents:** Mr. Rajan Kahol, Mr. Vishal Panwar and Mr.  
B.C.Verma, Additional Advocate Generals,  
with Mr. Ravi Chauhan, Deputy Advocate  
General, for respondent Nos.1 & 2/State.

Mr. Balwant Kukreja, Advocate for respondent  
No.3.

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**Sandeep Sharma, Judge**(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,2023, prayer has been made on behalf of the petitioner for quashing of FIR No.122 of 2020, dated 31.12.2020, under Sections 452, 353, 332, 504, 506 of IPC and Section 3 PDP Act, registered at police Station, East Shimla, District Shimla, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law.

**2.** Precisely, the facts of the case, as emerge from the record are that FIR, sought to be quashed in the instant proceedings,

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<sup>1</sup>Whether the reporters of the local papers may be allowed to see the judgment?

came to be lodged at the behest of respondent No.3, Sh. Manoj Kumar (*hereinafter referred to as the complainant*), who alleged that on 31.12.2020, at about 11.15 Am, while he was present in his office and discharging his duties in the capacity of Additional Director, Department of Tourism, Smt. Priyanka, who was working as Safeguard Specialist in the IDITP Project at U.S, Club, Shimla, came in his room alongwith her husband, namely Gaurav Sharma i.e. petitioner herein. Complainant further alleged that above named Gaurav Sharma pulled him from his collar and extended threats. He alleged that above named person not only levelled baseless allegations of corruption against him, but also gave him beatings and as such, appropriate action, in accordance with law be taken against him. In the aforesaid background, FIR, sought to be quashed, came to be lodged against the petitioner. After completion of the investigation, police has already presented the challan in the competent court of law. In the aforesaid background, prayer has been made on behalf of the petitioner for quashing of the FIR as well as consequent proceedings.

**3.** Before the case at hand could be heard and decided on its own merit, this Court, having regard to the nature of the dispute, deemed it appropriate to summon both the parties to the Court to explore the possibility of amicable settlement *interse* them.

4. Pursuant to the orders passed by this Court, complainant has come present in Court and is being represented by Mr. Balwant Kukreja, Advocate. It is heartening to note that the respondent/complainant, with whom the petitioner not only misbehaved, but also given beatings, fairly stated before this Court that he is ready and willing to compromise the matter with the petitioner and he has no grouse against him, but while accepting the apology tendered by the petitioner, this Court may direct the petitioner to behave properly and not to harass him in future. He stated that he of his own volition and without there being any external pressure has decided to settle the matter with the petitioner, who otherwise after intervention of this Court has tendered unconditional apology for his misbehaviour and has undertaken not to repeat such act in future and as such, he shall have no objection in case FIR as well as consequent proceedings, if any, pending adjudication in the competent Court of law, are quashed and set-aside and petitioner-accused is acquitted of the charges framed against him. His statement is taken on record.

5. Petitioner, who is present in Court, stated on oath before this Court that he as well as his wife Ms. Priyanka shall not misbehave and harass the respondent/complainant in future and dispute, if any, interse them qua the incident as recorded in the FIR sought to be quashed stands settled and as of today, there is no

complaint, if any, against the respondent/complainant, who otherwise has graciously accepted the apology tendered on his behalf as well as on behalf of his wife. His statement made on oath is taken on record.

6. After having heard statements made on oath by the complainant as well as petitioner, Mr. Rajan Kahol, learned Additional Advocate General, states that though parties have entered into the compromise, but this Court may not lose sight of the fact that petitioner alongwith his wife, allegedly attempted to assault the complainant, who at the relevant time was discharging his official duties. He states that though on account of statement made by the complainant, criminal case registered against the petitioner may not survive, but while passing order, this Court may specifically direct the petitioner and his wife to behave properly and not to repeat such act in future.

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.

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( now section 528 of BNSS), 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.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 ( 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(CrI) 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. In the case at hand also, offences alleged to have been committed by petitioner do not involve offences of moral turpitude or any grave/heinous crime, rather same are petty offences, 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 petitioner and respondent/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.

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 122 of 2020, dated 31.12.2020, under Sections 452, 353, 332, 504, 506 of IPC and Section 3 PDP Act, registered at police Station East Shimla, District Shimla, 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**

March 24, 2026  
(shankar)