IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 290 of 2026
Reserved on: 27.04.2026
Date of Decision: 03.06.2026.

Faizan Khan ...Petitioner

Versus

State of H.P. & another ...Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No.

For the Petitioner : Mr Gurdev Negi, Advocate, vice Mr Naveen Kumar, Advocate.

For Respondent No.1/State : Mr Lokender Kutlehria, Additional Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of FIR No. 29 of 2022, dated 10.10.2022, registered for the commission of offences punishable under Section 376 of the Indian Penal Code, 1860 (hereinafter called as IPC) at Women Police Station, Solan, District Solan, H.P., based on the compromise.

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

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2. It has been asserted that the informant does not want to pursue the matter because she has entered into a compromise with the accused voluntarily, without any influence from any person. Hence, the present petition.

3. The petition is opposed by filing a status report asserting that the petitioner had maintained a sexual relationship with the victim. The police registered the F.I.R and investigated the matter. The police filed a charge sheet before the Court on 06.12.2022, after the completion of the investigation. The matter is pending before the learned Sessions Judge, Solan, H.P. Statements of three witnesses have been recorded, and now the matter is listed for prosecution evidence on 14.07.2026.

4. I have heard Mr Gurdev Negi, learned vice counsel representing the petitioner and Mr Lokender Kutlehria, learned Additional Advocate General, for the respondent/State.

5. Mr Gurdev Negi, learned vice counsel representing the petitioner, submitted that the petitioner has entered into a compromise with the victim and she does not want to proceed further with the matter. No fruitful purpose would be served by continuing with the criminal proceedings. Hence, he prayed that

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the present petition be allowed and the F.I.R. and consequential proceedings arising out of it be quashed based on the compromise effected between the parties.

6. Mr Lokender Kutlehria, learned Additional Advocate General for the respondent/State, submitted that the offence punishable under Section 376 of the IPC is heinous and cannot be quashed based on a compromise between the parties. Hence, he prayed that the present petition be dismissed.

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

8. The Hon'ble Supreme Court examined the jurisdiction 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

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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.
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> **29.2.** When the parties have settled, and on that basis, a petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:
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> (*i*) ends of justice, or
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> (*ii*) to prevent abuse of the process of any court.
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> While exercising the power, the High Court is to form an opinion on either of the aforesaid two objectives.
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> **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.
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> **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.

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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

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> 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, the 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)

9. 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

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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:
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> 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.
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> 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.
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> 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.
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> 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.
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> 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

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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

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> consequences of the act complained of upon the financial or economic system will weigh in the balance." (Emphasis supplied)

10. 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:
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> 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;
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> 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, dacoity, etc. Such offences are not private in nature and have a serious impact on society.*
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> 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;
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> 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

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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,

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> how he had managed with the complainant to enter into a compromise, etc." (Emphasis supplied)

11. 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 accordance 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.

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> 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."

12. Therefore, it is apparent that it is impermissible to quash the F.I.R. for the commission of rape based on the compromise effected between the parties.

13. The status report shows that the charges have been framed and statements of three witnesses have been recorded. It was laid down by the Hon'ble Supreme Court in ***Minakshi Bala v. Sudhir Kumar, (1994) 4 SCC 142: 1994 SCC (Cri) 1181*** that once the

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Competent Court has framed the charges, the person aggrieved may invoke the revisional jurisdiction, and the High Court should not exercise its inherent jurisdiction under Section 482 of Cr.P.C., except in rare cases. It was observed on page 145: -

> "**7.** If charges are framed in accordance with Section 240 CrPC on a finding that a prima facie case has been made out — as has been done in the instant case — the person arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge-sheet submitted under Section 173 CrPC and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged and the revisional court if so satisfied can quash the charges framed against him. *To put it differently, once charges are framed under Section 240 CrPC, the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 CrPC; nor would it be justified in invoking its inherent jurisdiction under Section 482 CrPC to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course.* We hasten to add, even in such exceptional cases, the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence." (Emphasis supplied)

14. This Court also held in ***Reena Devi vs State of H.P. (2019) 3 Sml.LC 1773 states*** that a petition for quashing the F.I.R. based on compromise cannot be filed after the charges have been framed or notice of accusation has been put. It was observed:

> "9. Before arriving at any conclusion to ascertain the appropriate remedy for an accused, against whom a notice

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of accusation has been issued, or the charge has been framed, and who wants to challenge the same, the tour of the following stages will give the required exposure.

Stage-1 The most prominent and the earliest provision, which ignites the engine of criminal law and brings it into motion, is the registration of FIR, under Section 154 of the CrPC. Needless to say, this provision confines itself to cognizable offences. After the investigation, if in the opinion of the Station House Officer, a case for the prosecution is made out, then he files a report under Section 173 of the CrPC. Any person arraigned as an accused in such an FIR can seek its quashing from the High Court having jurisdiction, by filing a petition under section 482 CrPC.

Stage-2 Section 190 of the CrPC, envisages three situations, upon which the Magistrate can take cognizance of offence, namely, (a) Upon receiving a complaint of facts which constitutes such offence; (b) Upon a Police Report of such facts; (c) Upon information received from any person other than a Police Officer or upon his own knowledge that such an offence has been committed. Exercising powers under Section 204 of CrPC, the Magistrate taking cognisance of offences, may proceed against an accused, if he believes in the existence of sufficient grounds for proceeding. Any person who has been arraigned as an accused and is aggrieved either by registration of FIR, filing of charge-sheet, taking cognisance, or issuance of the process can seek adjudication under Section 482 of the CrPC. Order taking cognisance can also be challenged by filing a revision petition in the Sessions Court or High Court. There will be a situation where, after the filing of the petition for quashing of FIR, in the meantime, the charge-sheet is filed; the law is no more res Integra that in all those cases, FIR and all consequential proceedings can be quashed. An accused cannot approach a Sessions Court till this stage because the only available statutory remedy is by invoking the

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inherent powers of the High Court under Section 482 of the CrPC.

Stage-3 The next stage in criminal proceedings is similar to the transformation of a caterpillar emerging as a butterfly, and it begins on the framing of charges under Sections 211 and 228 of the CrPC or on the issuance of notice of accusation under Section 251 of the CrPC. If not challenged, it shall culminate under section 229, 241 or 248 of the CrPC only by a judgment of acquittal or conviction. Once charges stand framed or the notice of accusation stands issued, as the case may be, then the appropriate remedy to challenge the same is only by filing a Criminal Revision Petition in the Court where it lies and not by filing a petition under section 482 CrPC.

Stage 4: The next stage is post-conviction or acquittal. A judgment of conviction can only be challenged under Chapter-29 of the CrPC (Sections 372 to 394). During the pendency of such an appeal, the parties may file an application for compounding of the offences, but such applications in appeal would be within and not without. A convict cannot bypass Chapter 29 and, instead of filing a statutory appeal before the First Appellate Court, cannot straightaway resort to Sections 397, 401 and 482 of the CrPC.

Stage-5 The next stage is challenging the dismissal of the appeals of the convicts, and that can be done by approaching the Courts under its Revisionary Jurisdiction, under sections 397-401 CrPC. During the pendency of such Revision Petitions, if parties compound the offences, then the process is similar to that in the appeals.

10. The other stages, if any, would also tread a similar path and cross similar obstacles.

11. The above survey leads to an irresistible conclusion that once charges have been framed, then the remedy is not to file a petition under Section 482 of the CrPC but to invoke

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> the revisionary jurisdiction under Section 397 & 401 CrPC. However, in the present petition, what is sought to be quashed is the FIR and all consequential proceedings, based upon the out-of-court compromise entered between the victim and the accused, and the challenge is not on the merits of charges or accusations."

15. A similar view was taken in ***Ramesh Kumar vs. State of H.P. 2025 SCC Online HP 6561***, wherein it was observed:

> **13.** Note submitted by the petitioner mentions that out of forty witnesses, seventeen witnesses have been examined. The charge-sheet was filed on 22.12.2023, and the supplementary charge-sheet was filed on 30.08.2024. There is nothing in the petition as to why the petitioner has approached this Court after the lapse of two years from the date of filing of the charge-sheet. The petition is also silent as to why the order of framing charge was not challenged by the petitioner and why the prosecution was permitted to examine the prosecution's witnesses. The jurisdiction to quash the F.I.R. is extraordinary and should be exercised sparingly. It was laid down by the Delhi High Court in ***Sanyam Bhushan v. State (NCT of Delhi), 2024 SCC OnLine Del 4545***, that the Court should not entertain the belated petitions for quashing the FIR. It was observed:
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> > "**43.** At the outset, I find merit in the submission made by the learned counsel for the Complainant that the present set of petitions is liable to be dismissed on the ground of delay and laches, as also for the failure of the petitioners to avail of their alternate efficacious remedy in the form of Revision Petitions under Section 397 of the Cr. P.C.
> >
> > 44. It need not be emphasised that powers under Section 482 of the Cr. P.C.s are discretionary in nature, and though there may not be a total ban on the exercise of such power where the situation so warrants, at the same time, there are limitations of self-restraint that are recognised and followed by the

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> Courts in exercising this jurisdiction. One such limitation is where the petitioner had an alternate efficacious remedy; however, they did not avail of the same within the period of limitation and thereafter filed the petition under Section 482 of the Cr. P.C. to overcome the objection of limitation. Similarly, the Courts have refused to entertain a petition under Section 482 of the Cr. P.C., where it is filed with unexplained delay and laches and in the meantime, the trial has proceeded."

14. In the present case, the petitioner has a remedy of challenging the order framing charge, but he did not do so within the limitation. He filed the present petition to circumvent the period of limitation prescribed for challenging the order of framing the charges.

15. It was laid down in ***Minakshi Bala v. Sudhir Kumar, (1994) 4 SCC 142: 1994 SCC (Cri) 1181*** that once the Competent Court has framed the charges, the aggrieved person may invoke the revisional jurisdiction, and the High Court should not exercise its inherent jurisdiction under Section 482 of Cr. P.C., except in rare cases. It was observed on page 145:—

> "**7.** If charges are framed in accordance with Section 240 CrPC on a finding that a prima facie case has been made out — as has been done in the instant case — the person arraigned may, if he feels aggrieved, invoke the revisional jurisdiction of the High Court or the Sessions Judge to contend that the charge-sheet submitted under Section 173 CrPC and documents sent with it did not disclose any ground to presume that he had committed any offence for which he is charged and the revisional court if so satisfied can quash the charges framed against him. *To put it differently, once charges are framed under Section 240 CrPC, the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 CrPC; nor would it be justified in invoking its inherent jurisdiction under Section 482 CrPC to quash the*

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> *same except in those rare cases where forensic exigencies and formidable compulsions justify such a course*. We hasten to add even in such exceptional cases, the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence." (Emphasis supplied)
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> **16.** In the present case, the trial has sufficiently progressed. Statements of seventeen witnesses have been recorded. Since the petitioner has approached this Court belatedly, this Court declines to exercise the inherent jurisdiction and relegates the petitioner to avail the remedies in the ongoing trial. It is not necessary to discuss the judgments cited at Bar and to comment whether the F.I.R. and subsequent proceedings disclose the commission of an offence or not.

16. Therefore, the present petition cannot be allowed on this consideration as well.

17. No other point was urged.

18. In view of the above, the present petition fails, and it is dismissed.

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

(Rakesh Kainthla)
Judge

03th June, 2026
(ravinder)