

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No. 247 of 2025

Decided on : 28.03.2025

Gaurav Rana & Others

...Petitioners

Versus

State of Himachal Pradesh & Another

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

*Whether approved for reporting?*¹

For the petitioner : Petitioners in person with Mr. Ashwani Dhiman, Advocates.

For the respondents : Mr. Ranjna Patial, Deputy Advocate General for respondent No.1.

Mr. Afreen Kaushal, Advocate, for respondent No.2.

Virender Singh, Judge (oral).

Petitioners have filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of FIR No.151/2016, dated 18.07.2016 (hereinafter referred to as the FIR, in question), registered with Police Station, Sadar Shimla, District Shimla, H.P., under Section 498-A read

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

with Section 34 of the Indian Penal Code, (hereinafter referred to as the 'IPC'), as well as, the proceedings resultant thereto, which are stated to be pending before the Court of learned Chief Judicial Magistrate, Kangra at Dharamshala, H.P. (hereinafter referred to as the 'trial Court').

2. The relief of quashing has been sought, on the basis of the compromise, which has taken place between the petitioners and respondent No.2.

3. It is the case of the petitioners that petitioner No.1 was married to respondent No.2, on 29.01.2007. Thereafter, they have been blessed with one son and one daughter. However, due to some misunderstanding between petitioner No.1 and respondent No.2, respondent No.2 has lodged FIR, in question, in which, the police has conducted the investigation and submitted the final report, in the Court of learned Chief Judicial Magistrate Shimla, which, later on, was transferred to the learned trial Court.

4. It is the further case of the petitioners that during the pendency of the trial, the matter has been compromised vide compromise Annexure P-4 and

respondent No.2, is now residing happily with the petitioner as his legally wedded wife.

5. On the basis of the above facts, a prayer has been made to quash the FIR, in question, as well as, the proceedings resultant thereto, pending before the learned trial Court, by allowing the petition.

6. Respondent No.1 has filed the status report, mentioning therein the manner, in which, the FIR, in question, has been registered, at the instance of respondent No.2, as well as, the manner, in which, the police has conducted the investigation, in this case and submitted the final report, which is pending adjudication, before the learned trial Court.

7. The person, who, at one point of time, had put the criminal machinery into motion, by lodging the FIR, in question, by levelling allegations, as mentioned in it, now has settled the matter with the petitioners, vide compromise Annexure P-4.

8. Respondent No.2, while appearing before this Court, has deposed that she was married to petitioner

No.1, on 29.01.2007. Thereafter, she and petitioner No.1 have been blessed with one son and one daughter.

9. Respondent No.2 has further deposed that due to some misunderstanding, she has lodged FIR, in question, against the petitioners. After registration of the FIR, the police has conducted the investigation and submitted the final report, which is pending before the learned trial Court.

10. Respondent No.2, has further deposed that now, during the pendency of the trial, the matter has been settled between her and the petitioners. Now, she is residing happily with the petitioners, in the matrimonial home. She has specifically stated that she has no objection, in case, the petition is allowed as prayed for.

11. Similar type of statement has also been made by the petitioners, on oath.

12. Heard.

13. The marriage between petitioner No.1 and respondent No.2, is stated to have taken place on 29.01.2007 and both of them have also been blessed with two children, one son and one daughter. However,

compelled by the circumstances, it seems that due to some misunderstanding, respondent No.2, had lodged the FIR, in question, against the petitioners, in which, the police has conducted the investigation and submitted the final report, which is now pending before the learned trial Court.

14. The efforts made by the petitioners have resulted into settlement of the matter and respondent No.2, has now started residing with petitioner No.1, in the matrimonial home.

15. Not only this, as per the categoric stand taken by respondent No.2, all the disputes between petitioners and respondent No.2, have now been settled and they have entered into the compromise and the terms and conditions of which have been reduced into writing, vide compromise deed Annexure P-4.

16. The primary purpose of the law is to maintain peace and harmony in the society. When, petitioners and respondent No.2, have now started residing together, in the matrimonial home, after settling all the disputes, then, the sincere efforts, which they had made, must be recognized

by the Court, by accepting the present petition, as prayed for.

17. Even otherwise, if respondent No.2, is compelled to pursue the criminal proceedings against the petitioners, pending before the learned trial Court, it would be nothing, but, abuse of the process of law and it would also adversely affect the matrimonial life of petitioner No.1 and respondent No.2, as well as, their minor children.

18. Considering all these facts, this Court is of the view that in case, the present petition is allowed, it will not only save the precious judicial time of the learned trial Court, but, it will also save the valuable relations between the parties i.e. petitioners and respondent No.2. The time, which, the learned trial Court, would have devoted for the decision of this case, may be devoted for deciding some other serious matter.

19. Considering all these facts, the petition is allowed and FIR No.151/2016, dated 18.07.2016, registered with Police Station, Sadar Shimla, District Shimla, H.P., under Section 498-A read with Section 34 of the IPC, as well as, the proceedings resultant thereto,

pending before the learned trial Court, are ordered to be quashed.

20. The compromise Annexure P-4 and the statements of the parties, recorded today, shall form part of the judgment.

21. Pending miscellaneous applications, if any, shall also stand disposed of accordingly.

(Virender Singh)
Judge

March 28, 2025 *(ps)*