IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision Nos. 273 and 274 of 2014
Reserved on: 27.10.2026
Date of Decision: 16.11.2026.

Cr. Revision No. 273 of 2014

Raj Kumar ...Petitioner

Versus

State of H.P. ...Respondent

Cr. Revision No. 274 of 2014

Pradeep Kumar ...Petitioner

Versus

State of H.P. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] *No.*

For the Petitioner(s) : Ms Sheetal Vyas, Advocate, in both the petitions.

For the Respondent : Mr P.K. Nadda, Additional Advocate General, in both the petitions.

Rakesh Kainthla, Judge

Cr. MP No. 1012 of 2026 in Cr. Revision No. 273 of 2014 and CrMP No. 1013 of 2026 in Cr. Revision No. 274 of 2014

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

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The present applications have been filed for taking the compromise on record and setting aside the judgment of conviction and order of sentence in view of the compromise.

2. It has been asserted that the applicants/accused were convicted and sentenced by the learned trial Court in FIR No. 14 of 2003, dated 17.1.2003, for the commission of an offence punishable under Section 325 read with Section 34 of the Indian Penal Code (IPC), vide judgment and order dated 30.3.2013 and 1.4.2013. The judgment of conviction and order of sentence were upheld by the learned Additional Sessions Judge, Ghumarwin, District Bilaspur, H.P., camp at Bilaspur (learned Appellate Court).

3. The applicants filed separate revision petitions assailing the judgments and order passed by the learned Courts below. The matter has been amicably settled between the applicant and the informant/victim. The informant/victim has no grievance and has no objection to quashing the judgment of conviction and order of sentence based on the compromise between the parties. Hence, the applications.

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4. The statement of the informant/victim, Mamta Devi, was recorded on 19.8.2026, in which she stated that she had entered into a compromise voluntarily with the accused person without any influence from any person. She does not want to proceed further with the FIR and has no objection in case the FIR and proceedings arising out of the FIR are ordered to be quashed.

5. Heard.

6. It was laid down by the Hon'ble Supreme Court in ***Ramawatar v. State of M.P., (2022) 13 SCC 635: 2021 SCC OnLine SC 966*** that the FIR can be quashed even after recording a conviction, provided the matter is pending before some Court. It was observed at page 640:

> **13.** We, however, put a further caveat that the powers under Article 142 or under Section 482 CrPC are exercisable in post-conviction matters only where an appeal is pending before one or the other judicial forum. This is on the premise that an order of conviction does not attain finality till the accused has exhausted his/her legal remedies and the finality is sub judice before an appellate court. The pendency of legal proceedings, be that may be before the final Court, is sine qua non to involve the superior court's plenary powers to do complete justice. Conversely, where a settlement has ensued post the attainment of all legal remedies, the annulment of proceedings based on a compromise would be impermissible. Such an embargo is necessary to prevent the accused from gaining indefinite leverage, for such a

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> settlement/compromise will always be loaded with lurking suspicion about its bona fides. We have already clarified that the purpose of these extraordinary powers is not to incentivise any hollow-hearted agreements between the accused and the victim but to do complete justice by effecting genuine settlement(s).

7. A similar view was taken in ***Ramgopal v. State of M.P.,*** ***(2022) 14 SCC 531: 2021 SCC OnLine SC 834,*** wherein it was observed at page 539:

> "**13.** It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature can be annulled irrespective of the fact that the trial has already been concluded or the appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. The societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying that in cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incident. The touchstone for exercising the extraordinary power under Section 482 CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which, in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in ***Narinder Singh v. State of Punjab***

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> *[Narinder Singh v. State of Punjab, (2014) 6 SCC 466*, para 29 : *(2014) 3 SCC (Cri) 54*] and ***Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688***, para 15 : *(2019) 2 SCC (Cri) 706*].

8. This position was reiterated in ***Rajendra Bhagat v. State of Jharkhand, (2022) 18 SCC 465: 2022 SCC OnLine SC 1882,*** wherein it was observed at page 468:

> "**8.** Having examined the matter in its totality, it appears that the High Court, while disposing of the revision petition with the application moved by the parties, did not pause to consider that maintaining the conviction of the appellant for the offence under Section 498-AIPC would not be securing the ends of justice and with such conviction being maintained and the appellant losing his job, the family would again land itself in financial distress which may ultimately operate adverse to the harmony and happy conjugal life of the parties. The learned counsel appearing for the appellant and Respondent 2 both have reiterated their stand that they have resolved their disputes and are living together while leading a happy conjugal life.
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> **11.** In the aforesaid view of the matter, and taking note of the terms of settlement as stated in the application moved before the High Court which include the undertaking of the appellant that he would be nominating Respondent 2 as the nominee in his service record; and where the parties are said to be leading a happy conjugal life, we are clearly of the view that the High Court should have accepted the settlement and quashed all the proceedings with annulment of the orders against the appellant. The High Court having not done so, we are inclined to adopt this course to secure the ends of justice."

9. In view of these binding precedents, the Court can exercise the jurisdiction vested in it under Section 482 of Cr.P.C.

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to quash the FIR and consequential proceedings based on a compromise effected between the parties even after the judgment has been passed by the learned Trial Court, which has been affirmed by the learned Appellate Court.

10. The accused were convicted of the commission of an offence punishable under Section 325 read with Section 34 of the IPC. The offence punishable under Section 325 of the IPC is compoundable under Section 320 of the Code of Criminal Procedure (CrPC). Section 320(3) of the CrPC provides that where the offence is compoundable, and a person is liable by virtue of Section 34, the offence may be compounded. Therefore, the offence punishable under Section 325 read with Section 34 of the IPC can be compounded based on a compromise between the parties.

11. The victim's statement shows that she has voluntarily entered into a compromise with the accused and does not want to proceed further with the matter. Hence, the present application is allowed, and FIR No. 14 of 2003, dated 17.1.2003, registered at Police Station Ghumarwin, District Bilaspur, H.P., for the commission of an offence punishable under Section 325 read

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with Section 34 of the IPC and the consequential proceedings arising out of it are ordered to be quashed based on the compromise between the parties.

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12. Since the FIR and consequential proceedings arising out of the FIR have been ordered to be quashed, the present revisions have become infructuous and are disposed of. The fine amount, if deposited, be refunded to the petitioners/accused after the expiry of the period of limitation, in case no appeal is preferred, and in case of appeal, the same be dealt with as per the orders of the Hon'ble Supreme Court of India.

13. A copy of this judgment, along with records of the learned Courts below, be returned forthwith.

(Rakesh Kainthla)
Judge

16th November, 2026
(Chander)