

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

CrMMO No. 203 of 2026
Date of Decision: 25.3.2026

Shyam Lal**.....Petitioner****Versus****State of HP and Anr.****.....Respondents**

Coram**Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioner:** Mr. Sanjeev Kumar, Advocate.**For the Respondents:** Mr. Rajan Kahol, Additional Advocates General and Mr. Ravi Chauhan, Deputy Advocate General, for the State.

Mr. Hitesh Bali, Advocate, for respondent No.2.

ASI Inder Singh, PS Kot Kehloor, present with records.

Sandeep Sharma, J. *(Oral)*

By way of present petition, prayer has been made by the petitioner-accused for quashing of FIR No.106 of 2017, dated 03.11.2017, under Sections 279 of IPC, registered at Police Station, Kot Kehloor, District Bilaspur, Himachal Pradesh, along with consequential proceedings pending in the competent court of law, on the basis of compromise.

2. Precisely the case of the petitioner, as emerge from the pleadings is that the FIR sought to be quashed in the instant proceedings



came to be lodged at the behest of respondent No.2 (hereinafter, 'complainant'), who alleged that for last 27 years, he has been working as Driver in the Electricity Department. He alleged that on 3.11.2017, when he was coming from Jabli driving truck bearing registration No. HP24A5299 of the Electricity Board, which was loaded with electric poles and had reached near Village Dhara, one motor cycle bearing registration No.HP910145 came in high speed from opposite side. He alleged that though driver of the aforesaid motor cycle after seeing his truck applied the brakes, but motor cycle skidded and turned towards opposite side, as a result of which, driver of the motor cycle fell down and suffered multiple injuries. Since complainant alleged that accident occurred on account of rash and negligent driving of the petitioner, case under Section 279 of IPC came to be registered against him.

3. Before police could present the challan in the competent court of law after completion of investigation, petitioner and respondents No.2 have entered into compromise, whereby parties have entered into compromise and resolved to settle the dispute inter se them amicably. In the aforesaid background, petitioner-accused has approached this court in the instant proceedings, praying therein for quashing of FIR and consequential proceedings in the competent court of law.



4. Pursuant to notices issued in the instant proceedings, respondent-State has filed the status report under the signature of SHO Police Station Kot Kehloor, wherein factum of compromise has been acknowledged, but statement of the complainant has not been recorded.

5. Respondent No.2/complainant namely Shabbir Mohd., has come present before this Court and is being represented by Mr. Hitesh Bali, Advocate. Respondent No.2 stated before this Court on oath that he of his own volition and without there being any external pressure has entered into compromise with the petitioner, whereby they have resolved to settle their dispute amicably inter-se them. He stated that FIR is result of misunderstanding and since he did not suffer any injury in the accident, rather petitioner himself suffered injuries in the accident coupled with the fact that petitioner has already recovered from injuries, he does not wish to prosecute the case further and shall have no objection in case, FIR as well as consequent proceedings are quashed and set aside and petitioner-accused is acquitted. While admitting contents of the compromise to be correct, he also admits his signatures on the same. Aforesaid statement is taken on record.

6. Having heard statement made on oath by respondent No. 2, Mr. Rajan Kahol, learned Additional Advocate General, states that no



fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioner. He further states that otherwise also, chances of conviction are remote and bleak, on account of statement made by respondent No. 2, as such, he shall have no objection in case prayer made by the petitioner is accepted and FIR in question along with consequential proceedings is quashed and set aside and petitioner is acquitted.

7. The question which now needs consideration is whether FIR 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 Section 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. 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 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 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.

10. The Hon'ble Apex Court in ***Gian Singh v. State of Punjab and anr. (2012) 10 SCC 303*** 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 for compounding offences under Section 320 Cr.PC. 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.PC 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(Crl) 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. Since parties have compromised the matter with each other and respondent No.2, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, is no more interested in pursuing the criminal prosecution of the petitioner, this court sees no impediment in accepting the prayer made by the petitioner for quashing of the FIR along with all consequential proceedings.

13. In the case at hand also, offences alleged to have been committed by the 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 No. 2 have compromised the matter *inter-se* them, in which case, possibility of conviction is remote/bleak and no fruitful purpose would be served in continuing with the criminal proceedings.



14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.106 of 2017, dated 03.11.2017, under Sections 279 of IPC, registered at Police Station, Kot Kehloor, District Bilaspur, Himachal Pradesh along with consequential proceedings is quashed and set aside. Accused is acquitted of the charges framed against him. The petition stands disposed of in the aforesaid terms, along with all pending applications.

March 25, 2026

(manjit)

**(Sandeep Sharma),
Judge**