



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 174 of 2026
Date of Decision: 25.3.2026

Vinod Kumar

.....Petitioner

Versus

State of HP and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Virender Kumar, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocates General and Mr. Ravi Chauhan, Deputy Advocate General, for the State.

Mr. Gambhir Singh Chauhan, Advocate, for respondents No.2 and 3.

Sandeep Sharma, J. *(Oral)*

By way of present petition, prayer has been made by the petitioner-accused for quashing of FIR No. 153/2023 dated 30.8.2023, registered at Police Station Dehra, District Kangra, Himachal Pradesh, under Sections 279 & 337 of IPC and Section 181 of the Motor Vehicles Act, along with consequential proceedings pending in the competent court of law.

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 on 30.8.2023, while he along with his mother was going from Nangla Mata Mandir to Dhaliara side in his Activa bearing registration No. HP19D2914, one Activa bearing registration No. PB09AM2112, which was going ahead of his Activa in high speed, attempted to overtake one car, but in the meantime, truck bearing registration No. HP949533 came from Dhaliara side and when driver of Activa No. PB09AM2112 attempted to cross, his Activa hit with one angle fixed on the rear side of the truck, as a result of which, occupants of the afore Activa fell on the road and suffered multiple injuries. Since complainant alleged that accident occurred on account of rash and negligent driving of the driver of Activa bearing registration No. PB09AM2112, case under Sections 279 & 337 of IPC and Section 181 of Motor Vehicles Act, 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 and 3 have entered into compromise, whereby parties have 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 PS Dehra, District Kangra, Himachal Pradesh, which is silent about the compromise.

5. Respondents No.2 and 3 have come present before this Court and are being represented by Mr. Gambhir Singh Chauhan, Advocate. Respondent No.2 on oath stated that he of his own volition and without there being any external pressure has come before this Court to make statement. He stated that since respondent No.3, who got injuries in the accident, has compromised the matter with the petitioner, he shall have no objection in case prayer made by him to quash the FIR as well as consequent proceedings is accepted.

6. Respondent No. 3/injured stated before this Court on oath that she of her 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. She stated that FIR is result of misunderstanding because accident did not occur on account of rash and negligent driving of the petitioner, who is otherwise her husband, rather on



account of error of judgment, she 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, they also admit their signatures on the same. Aforesaid statements are taken on record.

7. Having heard statement made on oath by respondents No. 2 & 3, Mr. Rajan Kahol, learned Additional Advocate General stated that no fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioner. He further stated that otherwise also, chances of conviction are remote and bleak, on account of statements made by respondents No. 2 & 3, as such, he shall have no objection in case prayer made on behalf of the petitioner is accepted and FIR in question alongwith consequential proceedings is quashed and set aside and petitioner is acquitted.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Since parties have compromised the matter with each other and respondents No.2 and 3, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, are no more interested in pursuing the criminal prosecution of the petitioner, this court sees no impediment in accepting the prayer made on behalf of the petitioner for quashing of the FIR along with all consequential proceedings.



14. 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 respondents No. 2 and 3 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.

15. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 153/2023 dated 30.8.2023, registered at Police Station Dehra, District Kangra, Himachal Pradesh, under Sections 279 and 337 of IPC and Section 181 of the Motor Vehicles Act 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**