

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.711 of 2026
Date of Decision: 17.07.2026

Anish Bhogal		Petitioner
	Versus	
State of H.P. & Ors.		... Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? ¹

For the Petitioner: Ms. Heena Chauhan, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondent No.1-State.

Ms. Deepika, Advocate, for respondents No.2 & 3.

HC Ravi Kant No.84, PS Bhuntar, District Kullu, HP, present in person along with record.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of Bharatiya Nyaya Sanhita, 2023 (in short "**BNS**"), prayer has been made on behalf of the petitioner-accused (in short "**accused**") for quashing of FIR No.210/2024, dated 06.09.2024, registered at Police Station Bhuntar, District Kullu, Himachal Pradesh, under Sections 181, 125(2), 351(2) of Bharatiya Nyaya Sanhita, 2023, as well as consequent proceedings, if any, pending adjudication in the competent court of law, on the basis of the compromise arrived at

¹Whether the reporters of the local papers may be allowed to see the judgment?

inter se parties, whereby they have resolved to settle dispute amicably *inter se* them.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record are that FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2, Mr. Rishabh (hereinafter to be referred to as '**complainant**'), who alleged that on 28.08.2024 at about 05:30 p.m., while he along with his friend Vishal Thakur was going from Kullu to Bhuntar on his motorcycle bearing registration No.HP-34E-6442, Swift car allegedly being driven by the accused i.e. Anish Bhogal came at a high speed from behind and hit his motorcycle, as a result thereof, he as well as his friend fell on the ground and suffered multiple injuries. He also alleged that accused, instead of rendering any assistance, started hurling abuses and extended threats that in case they reported to the police, he would teach them a lesson. In afore background, FIR, as detailed hereinabove, came to be instituted against the accused.

3. Though, after completion of investigation, Police has already presented challan in the competent court of law against the accused, but before same could be taken to its logical end, parties have entered into compromise, whereby they have resolved to settle the dispute amicably *inter se* them, and as such, accused has approached this Court in the instant proceedings, for quashing of FIR

as well as consequent proceedings, if any, pending adjudication in the competent court of law.

4. Pursuant to directions issued by this Court, respondent-State has filed status report issued under the signatures of SHO Police Station Bhuntar, District Kullu, Himachal Pradesh, wherein factum of compromise has been duly acknowledged. Along with status report, statements of both the parties have been placed on record, perusal whereof reveals factum of compromise arrived *inter se* parties.

5. Complainant and respondent No.3 have come present and are represented by Ms. Deepika, Advocate. They state on oath that they of their own volition and without any external pressure have entered into compromise with the accused, whereby both the parties have resolved to settle dispute amicably *inter se* them. They state that since FIR sought to be quashed is a result of misunderstanding, coupled with the fact that they have been duly compensated qua the damage caused to their vehicle and accused has already apologized for his misbehaviour and has undertaken not to repeat such act in future, they do not wish to prosecute the case further and shall have no objection in case, prayer made for quashing of FIR through instant petition is accepted and accused is acquitted of charges framed against him. While admitting contents of compromise placed on

record to be correct, they also admit their signatures thereupon. Their statements are taken on record.

6. After having heard aforesaid statements made on oath by the complainant and respondent No.3, Mr. Anish Banshtu, learned Deputy Advocate General, fairly states that no fruitful purpose would be served in case FIR as well as consequent proceedings pending adjudication in the competent court of law are allowed to sustain, rather pendency of the same may further widen the rift *inter se* parties. He further states that otherwise also, chances of conviction of the accused are very remote and bleak on account of statements made by the complainant and respondent No.4 on oath, as such, this court may proceed to pass appropriate orders.

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 Cr.P.C (hereinafter to be referred to as the "**Code**") is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., as 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 above, clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that power conferred under Section 482 Cr.P.C is to be distinguished from the power which lies in the Court to compound the offences under Section 320 Cr.P.C. No doubt, under Section 482 Cr.P.C, 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. Aforesaid view taken by Hon'ble Apex Court has been further reiterated in **Gian Singh v. State of Punjab and anr.** (2012) 10 SCC 303.

10. The Hon'ble Apex Court in case **Gian Singh** supra 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 to compound the offences under Section 320 Cr.P.C. 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.P.C 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 are 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. In the case at hand also, offences alleged to have been committed by the accused 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 accused and complainant have compromised the matter *inter se* them, in which case, possibility of conviction is remote and no fruitful purpose would be served in continuing with the criminal proceedings.

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.210/2024, dated 06.09.2024, registered at Police Station Bhuntar, District Kullu, Himachal Pradesh, under Sections 181, 125(2), 351(2) of Bharatiya Nyaya Sanhita, 2023, as well as consequent

proceedings, if any, pending adjudication in the competent court of law are 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.

**(Sandeep Sharma),
Judge**

July 17, 2026
(sunil)