

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.1256 of 2024

Date of Decision: 24.03.2026

Akash Chauhan

.....Petitioner

Versus

State of H.P. & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Ajay Kumar, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Ms. Shikha Rajta and Ms. Tara Devi, Advocates, for respondent No.3.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made on behalf of the petitioner for quashing of FIR No.74 of 2023, dated 14.07.2023, under Sections 279,337 and 338 of IPC, registered at police Station, East, Chotta Shimla, District Shimla, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law.

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

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties, are that FIR, sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.3, Sh. Prem Chand Shyam (***hereinafter referred to as the complainant***), who alleged that on 26.06.2023, at about 10.35 AM, while he was standing near Eastend Hotel, Panthaghati, Shimla, Himachal Pradesh, a car bearing registration No. DL-8CU-3534 (Swift Dezire) being driven by the petitioner herein came in high speed and hit him, as a result of which, he surfed multiple injuries. He alleged that since accident occurred on account of rash and negligent driving of the petitioner, FIR, sought to be quashed in the instant proceedings, came to be lodged by him against the petitioner.

3. Though, at first instance, petitioner approached this court for quashing of the FIR on its own merit, stating therein that prior to lodging of the FIR, complainant had compromised the matter with him, as is evident from the statement given by complainant to the police (Annexure P-4), but subsequently with a view to extract some money, complainant has filed FIR, sought to be quashed in the instant proceedings. However, having regard to the nature of the dispute, coupled with the fact that prior to lodging of the FIR, parties have entered into the compromise, this court deemed it necessary to summon both the parties to the Court.

4. It is heartening to note that with the intervention of learned counsel representing the respective parties, parties have been able to resolve their dispute amicably inter se. As per the compromise, petitioner herein has agreed to compensate the respondent/complainant in monetary terms for his having suffered injuries. Sum of Rs. 50, 000/- was paid prior to lodging of the FIR and today during the proceedings of the case, sum of Rs. 35000/- has been paid in cash to learned counsel for the respondent/complainant in presence of the respondent/complainant.

5. Respondent/complainant Sh. Prem Chand Shyam, who is present in Court, states on oath before this Court that he of his own volition and without there being any external pressure has entered into the compromise with the petitioner. He states that since petitioner herein has apologized for his conduct and has undertaken not to repeat such act in future, coupled with the fact that he has been duly compensated qua the injuries suffered by him, he does not wish to prosecute the case further and shall have no objection in case FIR as well as consequent proceedings initiated at his behest against the petitioner are quashed and set aside and petitioner-accused is acquitted of the charges framed against him. His statement is taken on record.

6. Mr. Vishal Panwar, learned Additional Advocate General, after having heard the aforesaid statement made by respondent

No.3/complainant, fairly states that no fruitful purpose would be served in case FIR as well as consequent proceedings, sought to be quashed, are allowed to sustain. He further states that otherwise also, chances of conviction of petitioner-accused are very remote and bleak in view of the statement made by respondent No. 3/complainant and as such, respondent-State shall have no objection in case the prayer made in the petition is allowed.

7. The question which now needs consideration is whether FIR's 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 S. 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., since 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(now section 528 of

BNSS) 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(now section 528 of BNSS), 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(now section 528 of BNSS) 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(CrI) 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 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/ 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.74 of 2023, dated 14.07.2023, under Sections 279,337 and 338 of IPC, registered at police Station, East, Chotta Shimla, District Shimla, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court of law, are quashed and set aside. Accused is acquitted of the charges framed against him.

14. It is clarified that any observations made hereinabove shall have no bearing whatsoever on the case filed by the respondent/complainant before the Motor Accident Claims Tribunal.

The petition stands disposed of in the aforesaid terms, alongwith all pending applications.

**(Sandeep Sharma),
Judge**

March 24,2026
(shankar)