

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No. 1058 of 2025

Decided on : 07.11.2025

Vinod Kumar

...Petitioner

Versus

State of H.P. & Ors.

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the petitioner : Petitioner in person, with Mr. Atul Kumar, Advocate.

For the respondents : Mr. H.S. Rawat, Additional Advocate General, for respondent No.1/State.

Respondents No. 2 & 3 in person with Mr. Vikrant, Advocate.

Virender Singh, Judge

Petitioner Vinod Kumar has approached this Court, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for quashing of FIR No. 96/2023 dated 08.10.2023, under Sections 279, 337, 338 of Indian Penal Code, (hereinafter

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

referred to as “FIR in question”) registered with Police Station Bangana, District Una, H.P., as well as, the proceedings resultant thereto, which are pending in the Court of learned Judicial Magistrate First Class, Court No. 2 Una, District Una, H.P. (hereinafter referred to as “the learned trial Court”), on the basis of the compromise, which is stated to have taken place between the petitioner and respondents No. 2 & 3.

2. The present petition has been filed by the petitioner on the ground that on 08.10.2023, on the statement of respondent No. 2, FIR in question was registered against him, in which, the police has conducted the investigation and submitted charge sheet before the learned trial Court. It is his further case that during the pendency of those proceedings, matter has now been compromised and on the basis of compromise, a prayer for quashing of the FIR has been made.

3. When put to notice, police has filed the status report, disclosing therein, that on 05.10.2023, respondent No. 2 Shaukat Ali, was present at Presidium School near flour mill. At about 7:15 pm, a motorcycle coming from

Chaukimanayar towards Jol, slowed down after signaling to turn towards left. Meanwhile, another motorcycle coming at high speed from behind, collided with the rear of the first motorcycle No. HP19-2402. As a result, both motorcyclists fell on the road. The first motorcycle was driven by Anayat Ali and second motorcycle No. HP19E-3833, was driven by Vinod Kumar (petitioner). Local people moved the motorcycles from the road. With the help of local people, he took his uncle Anayat Ali, to Regional Hospital Una, from where, he was referred to PGI Chandigarh. The accident occurred due to high speed of Vinod Kumar (petitioner), driver of motorcycle No. HP19E-3833.

4. On the basis of above facts, the police registered the FIR. The injured was medically examine(2025:HHC:37716)d. Thereafter, on the completion of investigation, police has filed the charge-sheet, which is pending before the learned trial Court.

5. Complainant and injured/victim have been impleaded as respondents No. 2 & 3 in this case, who have put appearance along with their Counsel.

6. Respondent No. 2 has made a categorical statement that he noticed the accident involving vehicles/motorcycles No. HP19-2402 and HP19E-3833. He had lodged the FIR against the petitioner, upon which, the police registered the FIR in question and conducted the investigation. After the investigation, charge-sheet has been filed, which is pending before the learned trial Court.

7. According to respondent No. 2, the matter has now been compromised in terms of compromise Annexure P-2, which bears his signatures encircled red at point A. He has also deposed that the compromise has been effected, out of his sweet free will and without any coercion.

8. Respondent No. 3 Anayat Ali, has also categorically stated that on 05.10.2023, accident had taken place between his vehicle and vehicle driven by petitioner Vinod Kumar, in which, he had sustained injuries. The said accident had taken place due to the negligence of petitioner Vinod Kumar. The matter has now been compromised in terms of compromise Annexure P-2, which bears his signatures encircled red at point B.

9. Similar type of statement has also been made by the petitioner.

10. Heard.

11. On the basis of above facts, learned counsel, appearing for the petitioner, has submitted that there is no previous criminal history of the petitioner, and according to him, the accident in question seems to have taken place due to the error of judgment. As such, it has been prayed that petitioner, as well as, respondents No. 2 & 3, have taken positive steps to settle the dispute and said efforts should be recognized by the Court.

12. When, the person, who had put the criminal machinery into motion has deposed, on oath, by stating that the petitioner was neither rash nor negligent, but, the accident in question had taken place due to error of judgment, then, permitting the proceedings against the petitioner to continue would be nothing, but, the abuse of process of law. The chances of success of the case of the prosecution against the petitioner are also not so bright.

13. Moreover, the acceptance of the petition will also save the precious judicial time of the learned trial

Court and the learned trial Court will be in a position to devote such time for the decision of some other serious matters.

14. Considering all these facts, the petition is allowed. FIR No. 96/2023 dated 08.10.2023, under Sections 279, 337 and 338 IPC, registered with Police Station, Bangana, District Una, H.P., as well as, proceedings resultant thereto, pending in the learned trial Court, are ordered to be quashed.

15. The compromise deed, as well as, statements of the parties, recorded today shall form part of this order.

16. Pending applications, if any, also stand disposed of.

(Virender Singh)
Judge

07th November, 2025
(Pramod)