

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.649 of 2026

Date of Decision: 08.07.2026

Rakesh Kumar

.....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. Mohit Dogra, Advocate.

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

Mr. Abhishek Thakur, Advocate, for respondents No.2 to 4.

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. 232 of 2015, dated 21.11.2015, under Sections 279, 337, 338 of IPC and Section 187 of the Motor Vehicles Act, registered at Police Station Sadar Hamirpur, District Hamirpur, Himachal Pradesh and also for quashing of the judgment of conviction and order of sentence dated 15.07.2023 passed by learned Additional Chief Judicial Magistrate, Court No.1, Hamirpur, District Hamirpur, Himachal Pradesh, on the basis of the

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

compromise arrived *inter se* parties, whereby both the parties have resolved to settle their 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 by the respective parties, are that the FIR, sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.2, Sh. Vinod Kumar (***hereinafter referred to as the complainant***), who alleged that on 21.11.2015, at about 8.15 PM, while he alongwith his son Nishant and brother Raj Kumar (respondents No.3 and 4) was going towards village Shukrala driving his scooter bearing registration No.HP-22-6924 and had reached near Aim School, Hamirpur, a Nano car bearing registration No.22-E-2095, being driven by the accused, named in the FIR, i.e., petitioner herein, came in high speed from opposite side and hit his scooter, as a result of which, he alongwith other pillion riders fell on the road and suffered injuries. Since complainant alleged that accident occurred on account of rash and negligent driving of driver of the Nano car i.e petitioner herein, FIR sought to be quashed, came to be lodged against him. Police after having conducted the investigation presented the challan in the competent court of law, which subsequently on the basis of evidence adduced on record by the prosecution, held petitioner-accused guilty of his having committed the offence punishable under Sections 279, 337, 338 of

IPC and Section 187 of the Motor Vehicles Act and accordingly convicted and sentenced him as under:-

Sr.	Offence	Sentence	Fine amount()
1.	279 IPC	Simple imprisonment for six months	1000/-
2.	337 IPC	Simple imprisonment for six months	1000/-
3.	338 IPC	Simple imprisonment for two years	1000/-
4.	187	Simple imprisonment for one month	5000/-

3. Being aggrieved and dissatisfied with aforesaid judgment of conviction and order of sentence recorded by learned trial Court, petitioner-accused preferred an appeal in the Court of learned Sessions Judge, Hamirpur, District Hamirpur, Himachal Pradesh, which is pending adjudication, but before same could be heard and decided on its own merit, petitioner has approached this Court in the instant proceedings for quashing of the FIR as also the judgment of conviction and order of sentence recorded by learned trial Court on the basis of the compromise arrived inter se parties, whereby both the parties have resolved to settle their dispute amicably inter se them.

4. Pursuant to the directions issued by this Court, respondent-State has filed status report under the signatures of

Superintendent of Police, Hamirpur, District Hamirpur, Himachal Pradesh, enclosing therewith statements made by the complainant as well as injured, perusal whereof reveal that the parties have resolved to settle their dispute amicably *interse* them, as a result thereof, they do not wish to prosecute the case further.

5. Besides above, respondent/complainant Vinod Kumar alongwith injured Nishant and Raj Kumar (respondents No.3 and 4) have come present in Court and are being represented by Mr. Abhishek Thakur, Advocate. They state on oath before this Court that they of their own volition and without there being any external pressure have entered into the compromise, whereby both the parties have resolved to settle their dispute amicably *interse* them. The state that FIR, sought to be quashed in the instant proceedings, is result of misunderstanding, because accident did not occur on account of rash and negligent driving of the petitioner-accused, rather on account of error of judgment. They state that since they have been duly compensated qua the damage caused to their scooter and pillion riders, namely Nishant and Raj Kumar have already recovered from the injuries suffered by them in the accident, they shall have no objection in case prayer made on behalf of petitioner for quashing of the FIR as also the judgment of conviction and order of sentence recorded by learned trial Court, is accepted and petitioner-accused is acquitted of the charges framed against him. While admitting the

contents of the compromise placed on record to be correct, they also admit their signature upon the same. Their statements are taken on record.

6. Mr. Ravi Chauhan, learned Deputy Advocate General, after having heard the aforesaid statements made by respondent No.2/complainant as well as injured, states that though parties have entered into the compromise, but this Court cannot be lose sight of the fact that petitioner-accused has already stands convicted for his having committed offence punishable under Sections 279, 337, 338 of IPC and 187 of Motor Vehicles Act. However, he fairly states that otherwise also, chances of conviction of petitioner-accused are very remote and bleak in view of the statements made by respondent No. 2/complainant as well as injured 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 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 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. 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 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. Now another question which arises for consideration is whether this Court can order compounding of offence post-conviction. The Hon'ble Apex Court in **Ramawatar vs. State of Madhya Pradesh**, Cr. Appeal No. 1393 of 2011, decided on 25th October, 2021 [2021 SCC OnLine SC 966], has held as under:-

"9. Having heard learned Counsel for the parties at some length, we are of the opinion that two questions fall for our consideration in the present appeal. First, whether the jurisdiction of this Court under Article 142 of the Constitution can be invoked for quashing of criminal proceedings arising out of a 'non-compoundable offence? If yes, then whether the power to quash proceedings can be extended to offences arising out of special statutes such as the SC/ST Act?

10. So far as the first question is concerned, it would be ad rem to outrightly refer to the recent decision of this Court in the case of Ramgopal & Anr v. The State of Madhya Pradesh, wherein, a two Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J) was confronted with an identical question. Answering in the affirmative, it has been clarified that

the jurisdiction of a Court under Section 320 Cr.P.C cannot be construed as a proscription against the invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482 Cr.P.C. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section 482 Cr.P.C., would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given due regard to the nature of the offence and the fact .

that the victim/complainant has willingly entered into a settlement/compromise, can quash proceedings in exercise of their respective constitutional/inherent powers.

13. The Apex Court in Ramgopal (Supra) further postulated that criminal proceedings involving non-heinous offences or offences which are predominantly of a private nature, could be set aside at any stage of the proceedings, including at the appellate level. The Court, however, being conscious of the fact that unscrupulous offenders may attempt to escape their criminal liabilities by securing a compromise through brute force, threats, bribes, or other such unethical and illegal means, cautioned that in cases where a settlement is struck post-conviction, the Courts should, inter alia, carefully examine the fashion in which the compromise has been arrived at, as well as, the conduct of the accused before and after the incident in question. While concluding, the Court also formulated certain guidelines and held:

"19... Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations." [Emphasis Applied]

14. In view of the aforesaid law laid down by Hon'ble Apex Court coupled with the fact that both the parties have resolved to settle the matter amicably and further the complainant has no objection in acceding to the prayer made on behalf of the petitioner, this court finds no impediment in accepting the prayer for compounding of the offence post-conviction.

15. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 232 of 2015, dated 21.11.2015, under Sections 279, 337, 338 of IPC and Section 187 of the Motor Vehicles Act, registered at Police Station Sadar Hamirpur, District Hamirpur, Himachal Pradesh and also the judgment of conviction and order of sentence dated 15.07.2023 passed by learned Additional Chief Judicial Magistrate, Court No.1, Hamirpur, District Hamirpur, Himachal Pradesh, are quashed and set-aside and petitioner-accused is acquitted for the charges framed against him .

16. Since petitioner-accused has been charged under Section 187 of the Motor Vehicles Act for his having allegedly fled away from the spot, this Court deems it fit to impose sum of Rs. 5000/- upon the petitioner-accused, which shall be deposited in the District Treasury, Hamirpur, District Hamirpur, Himachal Pradesh within a period of two weeks, failing which, he shall render himself liable for penal consequences as well as contempt of the Court.

17. List for compliance on 03.08.2026.

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

**(Sandeep Sharma),
Judge**

July 08,2026
(shankar)