

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.952 of 2025
Decided on: 29.06.2026

Balbir Singh and others

...Petitioners

Versus

State of H.P. and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioners:

Mr. Hardik Bhatia, Advocate, vice
Mr. Vinod Chauhan, Advocate.

For the respondents:

Mr. Ajit Sharma, Deputy Advocate
General, for respondent No.1-State.

Ms. Nandita, Advocate, vice, Mr.
Vivek Thakur, Advocate, for
respondents No.2 to 6.

Jiya Lal Bhardwaj, Judge (Oral)

Cr.MP No.1401 of 2026

By way of present application, the applicants/petitioners have prayed for impleadment of the legal representatives of deceased Mukesh Mahato, who are father, mother, wife, son and daughter.

2. Keeping in view the fact that the statements of father, mother and wife have been recorded on 08.05.2026, the application is allowed and the legal heirs are ordered to be impleaded as respondents No.4 to 8. The application is

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

accordingly disposed of.

Cr.MMO No.952 of 2025

By way of present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioners have prayed for quashing of an FIR No.0008 of 2025, dated 31.01.2025, under Sections 125 & 106 (1) of The Bharatiya Nyaya Sanhita, 2023 (in short 'BNS'), registered at Police Station Pachhad, District Sirmour, Himachal Pradesh.

2. As per the averments made in the petition, respondents/complainants No.2 and 3 are the labourers, who were working under petitioners No.2 and 3 in Micro Traner Company i.e. petitioner No.3. As per the version of the complainant, while unloading the granite at the work site, one Sh. Mukesh Mahato, who was also working as labourer on 31.01.2025, had sustained injuries, who later on succumbed to the same. An FIR was lodged against the petitioners by respondent No.2 for the commission of the offences registered against the petitioners.

3. After issuing the notice in the present petition to the respondents, statements of father, mother and wife of the deceased Sh. Mukesh Mahato, have been recorded on 08.05.2026. As per their statements, they do not want to

proceed with the FIR and have no objection in case FIR as well as proceedings arising out of the FIR are quashed and set aside. Son and daughter of late Shri Mukesh Mahato are minors.

4. The petitioners have placed on record the compromise deed dated 22.07.2025, which has been signed by respondent No.2, at whose instance an FIR was lodged against the petitioners.

5. Respondent No.1-State has filed reply to the petition and admitted the fact that while unloading marble slabs from Truck No. HP63C-4055 at Micro Turner Company, Showghi, the deceased Mukesh Mahato came under marble sheets and suffered fatal injuries along with respondent No.3. It has also been averred that after investigation, it was found that the petitioners had failed to provide mandatory safety equipment (helmets, jackets, gloves, safety shoes), which were not present at the site during unloading. After completion of the investigation, a charge-sheet has been filed on 23.08.2025, before the learned Judicial Magistrate First Class, Rajgarh, against the petitioners under Sections 125 and 106(1) of the BNS.

6. I have heard the learned counsel for the parties and also perused the record carefully.

7. From the reply filed by respondent No.1, only one thing which emerges is that the petitioners did not take adequate steps for the safety of the deceased Mukesh Mahato, but it cannot be construed that there was any intention on their part to cause any injury to the labourer and they have aided for the commission of the offence. Not only this, after filing the petition, the petitioners moved an application for impleading the legal representatives of the deceased Mukesh Mahato, who are father, mother, wife, son and daughter.

8. As per the compromise deed dated 22.07.2025, respondents No.2 & 3, at whose instance an FIR was lodged against the petitioners, have stated that the dispute between the parties has finally been resolved and there is no ill will between the parties against each other in any manner and they have decided to file the petition for quashing the FIR, on the basis of the compromise. Since the complainant and respondent No.3, who had sustained injuries have arrived at a compromise, as reflected in the compromise deed dated 22.07.2025 (Annexure P-2), no purpose is going to be served in case the petitioners are asked to face the trial, which is now pending adjudication before the learned JMFC, Rajgarh.

9. The Hon'ble Supreme Court has held that in case of compromise, the High Court should accept the terms in

case the offence committed by the parties is not serious or heinous. In the present case, as already noticed above, there was no intention on the part of the petitioners to commit the crime and the deceased had sustained the injuries while unloading the granite. The petitioners can only be held responsible for not providing the kits required for doing the work, but once the complainant and the person who sustained the injuries have entered into compromise as well as the victims of the deceased have deposed in the Court that they do not have any objection in case an FIR as well as the proceedings emanating therefrom are quashed, it is a fit case to exercise the power to quash the proceedings.

10. No fruitful purpose will be going to be served to permit the petitioners to face the trial and even if the trial is allowed to continue, there are very bleak and remote chances of conviction of the petitioners. The time which is to be consumed by the trial Court for adjudication of the trial could be better utilized to decide other cases. Therefore, keeping in view the fact that the parties have arrived at an amicable settlement coupled with the fact that the mother, father and wife of the deceased have no objection in case the FIR is quashed, the petition deserves to be allowed and the proceedings are ordered to be quashed.

10. Consequently, the petition is allowed and the FIR No.0008 of 2025, dated 31.01.2025, under Sections 125 & 106(1) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS'), registered at Police Station Pachhad, District Sirmour, Himachal Pradesh, is ordered to be quashed and set aside and further the consequent proceedings emanating therefrom, which are pending adjudication before the learned Judicial Magistrate First Class, Rajgarh, Distt. Sirmour, H.P. are also quashed and the petitioners are acquitted of the alleged offences.

11. No order as to costs. Pending applications, if any, also stand disposed of.

29th June, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge