

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**Cr.MMO No.1060 of 2026****Decided on 08.10.2026**

Kamlesh Bharti

...Petitioner

Versus

State of H.P. & Ors.

...Respondents

Coram**Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.****¹Whether approved for reporting?**

For the petitioner: Mr. Arun Kumar, Advocate, vice Mr. Sanjeev Kumar Suri, Advocate.

For the respondents: Mr. Prashant Sen, Deputy Advocate General, for respondents No.1 to 3.

Ms. Abhilasha, Advocate, for respondents No.4 to 6.

Chirag Bhanu Singh, Judge (Oral)

The present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), seeking the quashing of FIR No.141 of 2024 dated 06.10.2024, registered under Sections 281, 125(a) and 125(b) of Bharatiya Nyaya Sanhita (hereinafter referred to as the 'BNS'), and Section 187 of the Motor Vehicles Act (hereinafter referred to as the 'MV Act') at Police Station Aut, District Mandi, H.P., and all the consequent proceedings arising

thereto, pending before the learned Judicial Magistrate First Class, Court No.4, Mandi, District Mandi, H.P.

2. The simple case setup by petitioner is that the aforesaid FIR was an outcome of some misunderstanding and confusion, which had taken place at the time of accident. Now, with the intervention of the family members and respectable persons of the area, the parties have compromised the matter. Even otherwise, the FIR had come to be registered because the scooter and motorcycle of the injured and the petitioner had collided with each other and that too while trying to save a stray dog, who was crossing the road. The complaint had also been registered at the instance of one Nanak Chand and not the injured. The petitioner has placed on record the copy of the compromise deed (Annexure P-2).

3. Today, both the petitioner and injured-Shyam Lal are present in the Court. Both of them unanimously affirmed the compromise entered inter se them. They have identified their signatures on the compromise deed and submitted that the compromise had been effected voluntarily and without any coercion from any quarter concerned.

4. It is thus, apparent that the collision between the scooter and the motorcycle was totally unintentional and beyond the control of both the petitioner and injured, as stray dogs had abruptly appeared on the road, resulting in the accident. Now, since they have resolved the matter no effective purpose would be served by keeping the FIR pending. Both the parties vouch for the same today in the Court too.

5. It is by now well settled that apart from quashing compoundable offences, this Court indeed has sufficient powers to even quash proceedings involving non-compoundable offences.

6. In view of the compromise so entered inter se the parties, while exercising the inherent powers of this Court under Section 528 of Cr.P.C., this Court can, indeed, quash the proceedings, though having due regard to the nature and gravity of the crime and its impact on the society at large. Generally, heinous offenses relating to mental depravity, murder, rape, dacoity etc. may not come within the purview of the same, but offenses arising from commercial, financial, mercantile and civil, partnership, matrimonial or family disputes, where the wrong is basically private or personal in nature may be given a quietus, excising such powers.

7. The quashing of proceedings though must still not tantamount to the abuse of the process of law. The aforesaid proposition already stands answer by the Hon'ble Supreme Court in no uncertain terms in ***Gian Singh Vs. State of Punjab & Anr. (2012) 10 SCC 303.***

8. In the case at hand, since no effective purpose would be served in continuing with the criminal proceeding any further, since the dispute has been settled by the parties voluntarily and their separate statements in this behalf already stand recorded and placed on the file. It would indeed be in the interest of justice and fair play that the criminal proceedings are put to an end, more so, keeping in view the burgeoning pendency of cases. The unwanted cases can be given a quietus enabling the Courts to give due weightage and time to the deserving cases on its docket.

9. Seeing to the nature of allegations and gravity of the offence mentioned in the FIR, this Court will be well within its jurisdiction to quash the criminal proceedings against the petitioner/accused and it is ordered accordingly.

10. As a sequel the FIR No.141 of 2024, dated 06.10.2024, registered under Sections 281, 125(a), 125(b) of BNS and Section

187 of the MV. Act, at Police Station Aut, District Mandi, H.P., and all the consequent proceedings arising thereto, which is pending before the learned Judicial Magistrate First Class, Court No.4, Mandi, District Mandi, H.P., are quashed and set-aside. Ordered accordingly.

11. Accordingly, the petition is disposed off, so also the pending application(s),if any.

(Chirag Bhanu Singh)
Judge

8th October, 2026
(subhash)