**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. MMO No.1129/2024**
**Date of Decision: 31st December, 2024.**

Jashanjot Singh .....Petitioner

Versus

State of Himachal Pradesh and Ors. …..Respondents.

*Coram*
***The Hon'ble Mr. Justice Bipin Chander Negi, Judge.***

***Whether approved for reporting?***[1]

For the Petitioner: Mr. Kuldeep Singh Chandel, Advocate.

For the Respondents: Mr. B.N. Sharma, Addl. Advocate General, for respondent No.1/State.

Ms. Mamta, Advocate, for respondent No.2 & 3.

HC Rakesh Kumar No.42, IO PS Nalagarh, District Solan, HP, is present in person.

***Bipin Chander Negi, Judge*** *(oral).*

Status report filed. The same is placed on record. Copy whereof has been supplied to the learned counsel for the petitioner.

***2.*** By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), a prayer has been made on behalf of the petitioner for quashing of FIR No.103/22 dated 03.04.2022 under Sections 279, 337 and 338 of IPC and Section 187 of the Motor Vehicles Act registered at Police Station Nalagarh, District Solan, H.P., as well as consequent proceedings pending before the learned trial Court.

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

***3.*** The averments contained in the petition, which is duly supported by an affidavit reveals that on 03.04.2022 complainant/respondent No.2 had got a FIR registered against the present petitioner under Sections 279, 337 and 338 of IPC and Section 187 of the Motor Vehicles Act. However, during the pendency of proceedings the dispute *inter se* parties has been settled amicably vide compromise deed dated 03.09.2024, copy whereof is appended along with the present petition.

***4.*** Statement of complainant/respondent No.2 stands recorded. He has categorically stated that he has entered into compromise of his own free will, volition and without any pressure. According to the complainant/respondent No.2, the dispute *inter se* parties stands amicably settled between the parties.

***5.*** I have heard learned counsel for the parties and perused the record carefully.

**6.** This Court sees no impediment in quashing the FIR in issue, as the dispute *inter se* the parties stands amicably resolved.

***7.*** From a perusal of Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 it is evident that insofar as Section 279 of the IPC and Section 187 of the Motor Vehicles Act, are concerned, the same are not compoundable.

***8.*** In this respect, attention of this Court has been drawn to a case titled ***Narinder Singh and others vs. State of***

***Punjab and another reported as (2014) 6 Supreme Court Cases, 466,*** wherein the Apex Court has categorically laid down that the High Court has inherent power to quash the criminal proceedings even in those cases, which are not compoundable, where the parties have amicably settled the matter *inter se* them. However, this power is to be exercised sparingly and with caution, in cases where settlement is arrived at. The guiding factors being securing the ends of justice or to prevent an abuse of the process of any Court.

***9.*** Further, the Apex Court in ***Parbatbhai Aahir alias Parbathbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and another, (2017) 9 SCC 641*** summarizing the broad principles regarding inherent powers of the High Court under Section 482 Cr.P.C. has recognized that these powers are not inhibited by provisions of Section 320 Cr.P.C.

***10***. In view of the fact that the parties have entered into compromise permitting the proceedings in pursuance to the aforesaid FIR sought to be quashed to continue would only result into an abuse of process and the same would not secure the ends of justice.

***11.*** Accordingly, the petition is allowed. FIR No.103/22 dated 03.04.2022 under Sections 279, 337 and 338 of IPC and Section 187 of the Motor Vehicles Act registered at Police Station Nalagarh, District Solan, H.P., as well as consequent

proceedings pending before the learned trial Court, are quashed.

The petition stands disposed of in the above terms, so also the pending application(s), if any.

**(Bipin Chander Negi)**
**Judge**

31st December, 2024
(KS/Gaurav Rawat)