

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73007 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- TRAFFIC District- Patna

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Mohammad Shamim @ Md Shamim S/O Mohammad Suslim Resident of
Village- Adhpa Mohalla, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Daroga Singh S/O Ramaawatar Singh R/O Flat no. 423, Jyoti Puram App.
Jagdev path more, Belly Road, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar, Advocate
		Ms. Rubi Kumari, Advocate
For the Opposite Party/s :		Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-11-2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner has preferred the application
under Section 482 Cr.P.C. / 528 BNSS for quashing of the FIR
dated 05.01.2025 in connection with Traffic P.S. Gandhi Maidan
Case No.04 of 2025 for alleged offence under Sections 281,
324(4) of BNS.

3. The prosecution story in brief is that the O.P.
No.2/informant is the owner of Innova JH-O1CL-0777 and on
29.12.2024 a white colour van BR01HK-0207 collided with the
said Innova near pillar no. 09 near Tanishq and caused damaged
to it. The driver of the informant's Innova namely Sunil Kumar



also sustained injury in the said accident.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner admits that his vehicle bearing Reg. No.BR01HK-0207 had dashed with the vehicle of the O.P. No.2/informant bearing Reg. No. JH-01CL-0777 and damage was caused to it. The petitioner lastly met with the owner of the said vehicle and compensated him and for the same the informant accepted a sum of Rs.12,500/-. Learned counsel submitted that the vehicle of the informant was insured. He further submitted that as per the provision of Sections 166, 184, 196 and 200 of the Motor Vehicle Act, 1988 the offence is compoundable by making payment of fine of Rs.2000/-. The offences under Sections 281 and 324(4) of the BNS is also compoundable. Learned counsel further submitted that the petitioner has already paid the amount of damage which has readily been accepted by the O.P. No.2/informant. The petitioner is ready to deposit the fine of Rs.2000/- in accordance with law. The prosecution in such circumstances would be vexatious if allowed to proceed and therefore seeks interference of this Court.

5. *Per Contra*, Learned APP appearing on behalf of the State submitted that the petitioner even though has



compensated the informant with a sum of Rs.12,500/- but the same will not absolve him from the provision of Sections 166, 184, 196 and 200 of the Motor Vehicle Act. As the FIR has been lodged under Section 281, 324(4) of the BNS against the petitioner, in such circumstances as the petitioner has not paid the amount of fine the present quashing application don't deserve to be considered.

6. Heard the parties.

7. The FIR has been lodged under Sections 281 and 324(4) of the BNS. I have perused the allegation made in the FIR which also amounts to violation of Sections 166, 184, 196 and 200 of the Motor Vehicle Act.

8. Before, proceeding to decide the present case, I find it proper to reproduce the provisions of section 66, 184, 196 and 200 of the Motor Vehicle Act and Sections 281 and 324(4) of the BNS.

166. Application for compensation.-

(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of Section 165 may be made-

- (a) by the person who has sustained the injury; or*
- (b) by the owner of the property; or*
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or*
- (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:*

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of



or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

2[Provided further that where a person accepts compensation under Section 164 in accordance with the procedure provided under Section 149, his claims petition before the Claims Tribunal shall lapse.]

3[(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed:1[(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.]

2[(4) The Claims Tribunal shall treat any report of accidents forwarded to it under 3 Section 159] as an application for compensation under this Act.]

1[(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.]or gave the direction has committed an offence punishable under 2[sub-section (1)].

184. Driving dangerously. *Whoever, drives a motor vehicle at a speed or in a manner which is dangerous to the public, [or which causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons near roads.] having regard to all the circumstances of case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable for the first offence with imprisonment for a term [which may extend to one year but shall not be less than six months or with fine which shall not be less than one thousand rupees but may extend to five thousand rupees, or with both], and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine [of ten thousand rupees], or with both.*

3[Explanation. For the purpose of this Section, -

- (a) jumping a red light;*
- (b) violating a stop sign;*
- (c) use of handheld communications devices while driving;*
- (d) passing or overtaking other vehicles in a manner contrary to law;*
- (e) driving against the authorised flow of traffic; or*



(f) driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous, shall amount to driving in such manner which is dangerous to the public.]

196. Driving uninsured vehicle. -Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of Section 146 shall be punishable [for the first offence]² with imprisonment which may extend to three months, or with fine [of two thousand rupees,¹³ or with both [and for a subsequent offence shall be punishable with imprisonment for a term which may extend to three months, or with fine of four thousand rupees, or with both.]²

200. Composition of certain offences.

(1) Any offence whether committed before or after the commencement of this Act [punishable under Section 177, Section 178, Section 179, Section 180, Section 181, Section 182, sub-section (1) or sub-section (3) or sub-section (4) of Section 182A, Section 182B, sub-section (1) or sub-section (2) of Section 183, Section 184 only to the extent of use of handheld communication devices, Section 186, Section 189, sub-section (2) of Section 190, Section 192, Section 192A, Section 194, Section 194A, Section 194B, Section 194C, Section 194D, Section 194E, Section 194F, Section 196, Section 198.] may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

2[Provided that the State Government may, in addition to such amount, require the offender to undertake a period of community service.]

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

2[Provided that notwithstanding compounding under this Section, such offence shall be deemed to be a previous commission of the same offence for the purpose of determining whether a subsequent offence has been committed:

Provided further that compounding of an offence will not discharge the offender from proceedings under sub-section (4) of Section 206 or the obligation to complete a driver refresher training course, or the obligation to complete community service, if applicable.]

BNS Section 281: Rash or negligent driving

•Offense: *Driving or riding on a public way in a rash or negligent manner that endangers human life or is likely*



to cause injury to others.

•**Punishment:** *Imprisonment for up to six months, a fine of up to one thousand rupees, or both.*

•**Details:** *This is a cognizable, bailable, and triable offense by any magistrate.*

BNS Section 324(4): Mischief causing specific damage

•**Offense:** *Committing the crime of mischief that causes loss or damage to property.*

•**Punishment:** *Imprisonment for up to three years, or a fine, or both.*

•**Details:** *Specifically, clause (4) of this section deals with instances where the damage is between ₹20,000 and ₹1 lakh.”*

9. Considering the provisions of Sections as defined hereinabove, it is crystal clear that the allegations leveled against the petitioner is compoundable and the same can be settled by mere payment of fine. In assessing the allegation under Section 281 of the Bharatiya Nyaya Sanhita (formerly Section 279 IPC), it bears reiteration that the Apex Court has consistently held that excessive speed, *per se*, does not amount to rash or negligent driving. Similarly, in ***Bhalchandra v. State of Maharashtra***, reported in ***1968 AIR 1319*** it was observed that the degree of negligence must be “gross,”. In similar view, ***State of Karnataka v. Satish***, reported in ***(1998) 8 SCC 493***, the Apex Court clarified that liability under the provision of Section 279 IPC (now Section 281 BNS) arises only where the driving reflects recklessness or a conscious disregard for the safety of



others, and in case of *Mohd. Avnuddin v. State of Andhra Pradesh*, reported in *2000 (7) SCC 72*, the Apex Court stressed the necessity of establishing the accused's mental state indicative of indifference towards public safety.

10. Thereafter, in view of settlement having been arrived between the private parties, can the same be ground of quashing? The Apex Court in the case of *Gian Singh vs State of Punjab* reported in *(2012) 10 SCC 303*, in para nos. 57 and 61 that merely because settlement has been arrived between the parties same cannot, by itself, furnish a valid ground for quashing the criminal proceedings which are reproduced hereinafter:

“ 57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no



statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

11. In ***R.G. Holdings Pvt. Ltd. vs. State of Bihar &***

Anr., reported in ***2008 SCC OnLine Pat 158***, a coordinate bench



of this court referring to the scheme of Section 200 of the Act, which empowers designated officers, as notified by the State Government, to compound certain offences either before or after the institution of prosecution, and Sub-section (2) thereof stipulates that once an offence is compounded, the offender, if in custody, must be discharged and no further proceedings shall continue. It is pursuant to this provision that the State Government has authorized, inter alia, District Transport Officers to compound offences by levying a compounding fee up to the maximum monetary penalty prescribed read in conjunction with Section 202, which enables arrest without warrant for specified offences relating to dangerous or intoxicated driving, unauthorized use of a vehicle, or refusal to provide identity, this statutory framework clearly contemplates resolution of such matters through compounding.

12. In the present matter, it is not in dispute that the parties have amicably settled their differences and the victim has been appropriately compensated. This Court, in the exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 may quash criminal proceedings where the compromise is genuine, the offence is of a relatively minor nature not involving moral turpitude, and the continuation



of prosecution would serve no meaningful purpose and would, in fact, amount to an abuse of the process of the court but in the present case the petitioner can't seek quashing based on compromise with the informant where loss is to public exchequer.

13. The fact that the intention of the legislature is to safeguard third party, which ensures that victim of an accident can receive compensation even if the vehicle's owner don't have the financial mean to pay.

14. Having regard to the aforesaid principles and the overall factual matrix, this Court is satisfied that the ends of justice would be best served by invoking its inherent powers to secure a fair, equitable, and just outcome and it would be a grave abuse of process particularly when the dispute is settled and resolved." The petitioner has informed that he is ready to pay the fine of Rs.2000, I don't find that the petitioner should face prosecution, in such circumstances the FIR dated 05.01.2025 in connection with Traffic P.S. Gandhi Maidan Case No.04 of 2025 is hereby **quashed and set aside**, subject to the condition that the petitioner will produce challan of Rs.2000 before the concerned District Court forthwith.

15. Accordingly, the present application stands



disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	09.12.2025
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