IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MMO No. 983 of 2025

Decided on: 28.10.2025

Nikhil

... Petitioner

Versus

State of H.P. & ors.

...Respondents

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Petitioner :	Petitioner in person with Mr. Ankit Dhiman, Advocate.
For the Respondents *:*	Mr. Mohinder Zharaick and Mr. Varun Chandel, Addl. AGs, for the respondent Nos. 1 & 2.
	Respondent Nos. 3 to 6 in person with Mr. Animesh Pathak, Advocate.

Virender Singh, Judge (oral)

The petitioner has filed the present petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the B.N.S.S.) for quashing of FIR No. 29 of 2025, dated 24.1.2025 (hereinafter referred to as 'the FIR in question'), registered under Sections 281, 125 (A) and 125(B) of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'the BNS') with Police Station, Una, District Una,

H.P., as well as, the proceedings resultant thereto, stated to be pending before the Court of learned Judicial Magistrate First Class, Court No. 3, Una, District Una H.P., (hereinafter referred to as 'the trial Court').

2. Brief facts, as borne out from the pleadings, are that the complainant (respondent No. 3) has got recorded in his statement, under Section 173 BNSS, before the Police, disclosing therein that on 24.1.2025 at about 7:15 p.m. near Saini Sweet Shop at Nangal road, Una, a motor-cycle, being driven by the petitioner Nikhil in which, respondent No. 4 Neetu was pillion rider, came from the wrong direction, consequent upon which, it collided with another motor cycle, being driven by respondent No. 5, upon which, the rider (respondent No. 5) and pillion rider of the aforesaid motor cycle (respondent No.6), as well as, petitioner Nikhil and pillion rider Neetu (respondent No. 4) sustained injuries. Thereafter, respondent No. 5 was taken to PGI Chandigarh, and petitioner, as well as, respondents No. 4 and 6 were asked to make statement, however, all of them showed their inability to give statement.

Thereafter, on the spot, respondent No. 3, who was eye witness to the accident in question, was found present, who was asked to make statement, under Section 173 BNSS.

3. As such, on the statement of respondent No. 3, FIR in question was registered. After registration of the FIR, Police has conducted investigation and submitted the report, under Section 193 of the BNSS, which is pending adjudication before the learned trial Court.

4. During pendency of the trial, with the intervention of the respectables of the society, the matter is stated to be compromised between the parties.

5. The terms and conditions of the compromise have been reduced into writing, which has been annexed with the petition, as Annexure P-2.

6. On all these submissions, a prayer to allow the present petition, by quashing the FIR in question, as well as, proceedings resultant thereto, if any, has been made.

7. When put to notice, respondent/State has filed the status report, disclosing therein, the manner, in which, the FIR in question has been registered and criminal machinery swung into motion.

8. It is the further case of respondent-State that after completion of investigation, report under Section 193 of BNSS has been filed, which is pending adjudication, before the learned trial Court.

9. Today, respondent No. 3, who, has put criminal machinery into motion, has appeared in Court and has made a statement, on oath, about the manner, in which, he has lodged the FIR in question and factum of the compromise, which has been effected, between the parties, in order to maintain cordial relations, between him, respondent Nos. 4 to 6 and the petitioner. He has further deposed that the petitioner was neither rash nor negligent while driving the vehicle in question, but the accident had taken place, due to error of judgment.

10. Lastly, respondent No. 3, in unequivocal terms, has deposed that he does not want to proceed further with the matter, as, the parties want to live in peace and harmony in future. He has also stated that he has no objection, in case, the present petition is allowed and the FIR in question and the proceedings resultant thereto, if any, are quashed.

11. Similar type of statements have also been made by respondent Nos. 4 to 6 and the petitioner.

12. Heard.

13. From the facts, as mentioned in the petition, as well as, the factual position, as narrated in the status report, this Court is of the view that the matter has now been compromised, between the parties.

14. The person, who had put the criminal machinery into motion, by lodging FIR in question, when, appeared before this Court, has stated that the compromise has been effected between the

parties. Lastly, he has submitted that he has no objection, in case the present petition is allowed.

15. In addition to this, the complainant has exonerated the petitioner from the allegations of rash and negligent driving by deposing that he was neither rash nor negligent. According to him, the accident in question has taken place, due to error of judgment. Similar type of statements have been made by the other injured.

16. In view of the compromise deed, Annexure P-2, which bears the signatures of petitioner and respondents No. 4 to 6, respondents No. 4 to 6 do not want to proceed further with the case and have specifically stated that they have no objection, in case, the present petition is allowed and the FIR in question, as well as, proceedings resultant thereto, pending before the learned trial Court, are quashed.

17. The primary purpose of law is to maintain peace and harmony in the society and when, the parties to the lis, i.e. petitioner and respondents No.

4 to 6, have buried their disputes and compromised the matter, then, the continuation of the criminal proceedings, arising out of the FIR in question, lodged by respondent No. 2, would certainly amount to abuse of the process of law.

18. In view of the stand taken by respondents No. 3 to 6 on oath, before this Court, the chances of success of the case of the prosecution are very bleak.

19. Considering all these facts, the present petition is allowed and FIR in question, as well as, proceedings resultant thereto, pending before the learned trial Court, are quashed.

20. The statements, so recorded, and the compromise, Annexure P-2, be read as part of the judgment.

21. Pending miscellaneous application(s), if any, also stands disposed of.

(Virender Singh)
Judge

28.10.2025
Kalpana