IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.235 of 2026
Date of Decision: 27.04.2026

Joginder Pal .....**Petitioner**

Versus

State of Himachal Pradesh and Others .....**Respondents**

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Ashok Kumar Verma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan, Deputy Advocate General, for State.

Mr. Piyush Chandel, Advocate, for respondents No.2 and 3.

Sandeep Sharma, J. *(Oral)*

By way of present petition filed under Section 528 of the BNSS, 2023, prayer has been made by the petitioner-accused for quashing of FIR No.322 of 2023, dated 21.12.2023, registered at Police Station Haroli, District Una, Himachal Pradesh, under Sections 279, 337 and 304-A of IPC and Section 181 of Motor Vehicles Act, along with consequential proceedings pending in the competent Court of law, on the basis of compromise.

2. Precisely, the facts of the case, as emerge from the record are that FIR sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.2-Mr. Harminedr Singh ***(hereinafter,***

'complainant'), who alleged that on 21.12.2023, while he was at his vegetable shop, Panjwar, one Brezza car bearing registration No.HP-36-E-1054, hit one white colored scooty bearing No.HP-19-D-8537, being driven by the deceased Kashmir Singh, as a result thereof, he fell on the ground and suffered multiple injuries. Though petitioner with the help of local people took the deceased to the nearby hospital, but unfortunately he succumbed to the injuries. In the afore background, FIR, detailed hereinabove, came to be lodged against the petitioner.

3. Though after completion of investigation, Police has already presented Challan in the competent Court of law, but before same could be taken to its logical end, parties to the *lis* have decided to settle the dispute amicably *inter se* them by way of compromise placed on record and as such, petitioner has approached this Court in the instant proceedings, praying therein to quash and set aside the FIR as well as consequent proceedings pending before the competent Court of law.

4. In terms of order dated 30.03.2026, respondent-State has filed status report, which is silent about compromise. In terms of afore order, complainant as well as respondent No.3, i.e. wife of deceased, have come present and are being represented by Mr. Piyush Chandel, Advocate. Complainant states on oath that he of his own volition and without there being any external pressure, has come before this Court to make statement. He states that parties have entered into compromise, whereby

they have resolved to settle their dispute amicably inter se them. He states that though he had no occasion to see the accident with his eyes, but he had reached on the spot after having heard loud noise and as such, he is not in a position to state whether accident occurred on account of rash and negligent driving of the petitioner or not. He states that since family of deceased has already settled the matter with the petitioner, who has duly compensated them, he does not wish to prosecute the case further and shall have no objection in case FIR in question as well as consequential proceedings pending in the competent Court of law are quashed and set aside and the petitioner is acquitted of the offences alleged in the FIR. While admitting contents of the compromise to be correct, he also admits his signatures thereupon. His statement made on oath is taken on record.

5. Respondent No.3, i.e. wife of the deceased, also states on oath that she of her own volition and without there being any external pressure has entered into compromise with the petitioner/accused, whereby they have decided to settle their dispute amicably *inter se* them. She states that FIR sought to be quashed in the instant proceedings is a result of misunderstanding, because subsequently she came to know that accident did not occur on account of rash and negligent driving of the petitioner, rather on account of error of judgment and petitioner took a lot of care of her deceased-husband as well as her family. She states that since she has been duly compensated, she does not wish to prosecute the case further

and shall have no objection in case prayer made in the instant petition for quashing of FIR as well as consequent proceedings is accepted and accused is acquitted of the offences alleged in the FIR. While admitting contents of the compromise to be correct, she also admits her signatures thereupon. Her statement made on oath is also taken on record.

6. After having heard afore statements made on oath by complainant as well as wife of deceased, Mr. Rajan Kahol, learned Additional Advocate General, states that though parties have resolved to settle their dispute amicably *inter se* them, but this Court may not lose sight of the fact that one person has lost his life on account of rash and negligent driving of the petitioner. However, Mr. Kahol, learned Additional Advocate General, fairly admits that on account of statements made on oath by respondents No.2 and 3, chances of conviction of petitioner are very remote and bleak. True it is that in the present case, one person has lost his life, but once complainant has categorically stated before this Court that he, at no point of time, stated to the Police that accident occurred on account of rash and negligent driving of the petitioner, coupled with the fact that wife of the deceased does not wish to prosecute the case further, no fruitful purpose would be served by keeping the FIR sought to be quashed alive, rather, that would unnecessarily widen the rift *inter se* parties.

7. The question which now needs consideration is whether FIR in question can be ordered to be quashed when Hon'ble Apex Court in **Narinder Singh and others** versus **State of Punjab and another** (2014)6 SCC 466 has specifically held that power under S. 482 CrPC is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society.

8. At this stage, it would be relevant to take note of the judgment passed by Hon'ble Apex Court in **Narinder Singh** (supra), whereby the Hon'ble Apex Court has formulated guidelines for accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings. Perusal of judgment referred to above clearly depicts that in para 29.1, Hon'ble Apex Court has returned the findings that power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash criminal proceedings even in those cases which are not compoundable and where the parties have settled the matter between themselves, however, this power is to be exercised sparingly and with great caution. In para Nos. 29 to 29.7 of the judgment Hon'ble Apex Court has laid down certain parameters to be followed, while compounding offences.

9. Careful perusal of para 29.3 of the judgment suggests that such a power is not to be exercised in the cases which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Apart from this, offences committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly arising out of commercial transactions or arising out of matrimonial relationship or family disputes may be quashed when the parties have resolved their entire disputes among themselves.

10. The Hon'ble Apex Court in ***Gian Singh v. State of Punjab and anr. (2012) 10 SCC 303*** has held that power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent power is distinct and different from the power of a Criminal Court for compounding offences under Section 320 Cr.PC. Even in the judgment passed in **Narinder Singh's** case, the Hon'ble Apex Court has held that while exercising inherent power of quashment under Section 482 Cr.PC the Court must have due regard to the nature and gravity of the crime and its social impact and it cautioned the Courts not to exercise the power for quashing proceedings in heinous and serious offences of mental depravity,

murder, rape, dacoity etc. However subsequently, the Hon'ble Apex Court in **Dimpey Gujral and Ors**. vs. **Union Territory through Administrator, UT, Chandigarh and Ors**. (2013) 11 SCC 497 has further reiterated that continuation of criminal proceedings would tantamount to abuse of process of law because the alleged offences are not heinous offences showing extreme depravity nor are they against the society. Hon'ble Apex Court further observed that when offences of a personal nature, burying them would bring about peace and amity between the two sides.

11. Hon'ble Apex Court in its judgment dated 4th October, 2017, titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others** versus **State of Gujarat and Another**, passed in Criminal Appeal No.1723 of 2017 arising out of SLP(Crl) No.9549 of 2016, reiterated the principles/parameters laid down in **Narinder Singh's** case supra for accepting the settlement and quashing the proceedings.

12. In the case at hand also, offences alleged to have been committed by petitioner do not involve offences of moral turpitude or any grave/heinous crime, rather same are petty offences, as such, this Court deems it appropriate to quash the FIR as well as consequential proceedings thereto, especially keeping in view the fact that parties have compromised the matter *inter se* them, in which case, possibility of conviction is remote/bleak and no fruitful purpose would be served in continuing with the criminal proceedings.

13. Since parties have compromised the matter with each other and respondent No.2, at whose instance FIR sought to be quashed in the instant proceedings came to be lodged, is no more interested in pursuing the criminal prosecution of the petitioner, this Court sees no impediment in accepting the prayer made on behalf of the petitioner for quashing of the FIR along with all consequential proceedings.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.322 of 2023, dated 21.12.2023, registered at Police Station Haroli, District Una, Himachal Pradesh, under Sections 279, 337 and 304-A of IPC and Section 181 of Motor Vehicles Act, along with consequential proceedings is quashed and set aside. Accused is acquitted of the charges framed against him.

The petition stands disposed of in the aforesaid terms, along with all pending applications.

April 27, 2026 **(Sandeep Sharma),**
Rajeev Raturi **Judge**