IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 363 of 2026
Date of Decision: 28.4.2026

Ashiv Kumar

.....Petitioner

Versus

State of HP and Ors.

.....Respondents

Coram
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Aasheesh Patial and Ms. Jyoti Thakur, Advocates.

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

Ms. Ankita, Advocate, for respondents No. 2 to 7.

ASI Bhaginder Kumar, present with record.

Sandeep Sharma, J. *(Oral)*

By way of present petition, prayer has been made by the petitioner-accused for quashing of FIR No. 26/2026 dated 12.2.2026, registered at Police Station Kangra, District Kangra, Himachal Pradesh, under Sections 281 and 106 of Bharatiya Nyaya Sanhita, 2023 along with consequential proceedings pending in the competent court of law, on the basis of compromise.

2. Precisely the case of the petitioner, as emerge from the pleadings is that the FIR sought to be quashed in the instant proceedings came to be lodged at the behest of respondent No.2 (hereinafter, 'complainant'), who alleged that on 12.2.2026 at about 7:30pm, while he was present in confectionery shop at Kholi near Tanda, District Kangra, Himachal Pradesh, a car bearing registration No. HP39E4009 (Nexon) came from Nagrota side in high speed and hit one person, who at the relevant time, was crossing the road. Though injured was taken to the hospital, but he could not be saved. He alleged that since accident occurred on account of rash and negligent driving of the driver of the vehicle in question, FIR sought to be quashed in the instant proceedings came to be registered 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 have entered into compromise, whereby parties have resolved to settle the dispute inter se them amicably. In the aforesaid background, petitioner-accused has approached this court in the instant proceedings, praying therein for quashing of FIR and consequential proceedings in the competent court of law.

4. In terms of notices issued in the instant proceedings, respondent-State has filed status report under the signature of SHO, PS Kangra, District Kangra, Himachal Pradesh, wherein factum of compromise has been duly acknowledged. Besides above, respondent No.2-complainant along with LRs of the deceased Trilok Chand have come present and are being represented by Ms. Ankita Advocate. The LRs of the deceased state before this Court on oath that they of their own volition and without there being any external pressure have entered into compromise with the petitioner, whereby they have resolved to settle their dispute amicably. They state that FIR is result of misunderstanding because accident did not occur on account of rash and negligent driving of the petitioner, rather deceased, at the first instance, suffered injuries after having fallen in the drain. They state that since they have been duly compensated by the petitioner coupled with the fact that petitioner took great care of the deceased while he was under treatment, they shall have no objection in case, FIR as well as consequent proceedings are quashed and set aside and petitioner-accused is acquitted. While admitting contents of the compromise to be correct, they also admit their signatures on the same.

5. Respondent No.2-complainant namely Navneet Choudhary, states on oath that he, of his own volition and without any external pressure, has

entered into compromise with the petitioner-accused, whereby parties have settled their dispute amicably. He states that accident in question did not occur due to rash and negligent driving of the petitioner-accused, rather deceased suffered injuries after falling in the drain. He states that since LRs of the deceased have compromised the matter with the petitioner, he shall have no objection in case FIR along with consequential proceedings is quashed and set aside and petitioner-accused is acquitted of the charges framed against him. While admitting contents of the compromise to be correct, he also admits his signature thereupon.

6. Having heard statement made on oath by respondents No. 2 to 7, Mr. Vishal Panwar, learned Additional Advocate General states that no fruitful purpose will be served in case FIR as well consequent proceedings are allowed to continue against the petitioner. He further states that otherwise also, chances of conviction are remote and bleak, on account of statements made by respondents No. 2 to 7, as such, he shall have no objection in case prayer made on behalf of the petitioner is accepted and FIR in question alongwith consequential proceedings is quashed and set aside and petitioner is acquitted.

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 Section 482 CrPC (Now Section 528 of BNSS) 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. Since parties have compromised the matter with each other and respondents No.2 to 7, at whose instance FIR sought to be quashed in

the instant proceedings came to be lodged, are 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.

13. In the case at hand also, offences alleged to have been committed by the 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 the petitioner and respondents No. 2 to 7 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.

14. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No. 26/2026 dated 12.2.2026, registered at Police Station Kangra, District Kangra, Himachal Pradesh, under Sections 281 and 106 of Bharatiya Nyaya Sanhita, 2023 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.

15. Needless to say, any observation/finding given in the instant case shall have no bearing of any kind on the claim petition, if any, filed in the competent court of law by LRs of the deceased.

April 28, 2026 **(Sandeep Sharma),**
(manjit) **Judge**