

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MMO No.193 of 2026

Date of Decision: 17.04.2026

ParmdeepPetitioner

Versus

State of H.P. & another ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Munish Datwalia, Advocate.

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

Mr. Akash Dehru, Advocate, for respondent No.2.

Mr. Rakesh Thakur, Advocate, for respondent No.3.

Sandeep Sharma, Judge(oral):

By way of instant petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made on behalf of the petitioner for quashing of FIR No.25 of 2025, dated 26.01.2025, under Sections 281, 125(a), 125(b) of Bhartiya Nyaya Sanhita and Section 185 of the Motor Vehicles Act, registered at Police Station, Nurpur, District Kangra, Himachal Pradesh as well as consequent proceedings pending adjudication in the competent Court

¹Whether the reporters of the local papers may be allowed to see the judgment?

of law, on the basis of the compromise arrived *inter se* parties, whereby both the parties have resolved to settle their dispute amicably *inter se* them.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record by the respective parties, are that FIR, sought to be quashed in the instant proceedings, came to be lodged at the behest of respondent No.2, Sh. Thomas Masih (***hereinafter referred to as the complainant***), who alleged that on 25.01.2025, at about 10.10 PM, while he was going to his house from Raja-Ka-Bag in tractor bearing registration No. PB-35Q-5895 and had reached near Kandwal Palace, one motorcycle bearing registration No.PB-35-AG-4179 being driven by the accused, namely Parmdeep (petitioner herein) came in high speed from opposite side and collided with the septic tank, which was tied with the tractor, as a result thereof, driver of the motorcycle as well as pillion rider fell on the ground and suffered multiple injuries. Since driver of the tractor i.e complainant alleged that the accident occurred on account of rash and negligent driving by the driver of the motorcycle (petitioner herein), FIR, sought to be quashed, came to be registered against him.

3. Though, after completion of the investigation, police has already presented the challan in the competent court of law, but before same could be taken to its logical end, parties have entered

into compromise, whereby they have resolved to settle the dispute amicably *interse* them. In the aforesaid background, petitioner has approached this Court in the instant proceedings for quashing of FIR as well as consequent proceedings pending in the competent court of law.

4. Pursuant to order dated 19.03.2026, respondent-State has filed status report under the signatures of SHO, Police Station, Nurpur, District Kangra, Himachal Pradesh, which is silent about the compromise.

5. Respondent-complainant, as well as pillion rider/injured Manav have come present in Court and are being represented by Mr. Akash Dehru and Mr. Rakesh Thakur, Advocate, respectively. They state on oath before this Court that they of their own volition and without there being any external pressure have entered into the compromise with the petitioner, whereby they have resolved to settle their dispute amicably *interse* them. They state that since petitioner-accused is well known to them and injured has already recovered from the injuries, they do not wish to prosecute the case further and shall have no objection in case FIR as well as consequent proceedings pending in the competent court of law are quashed and set aside and the petitioner-accused is acquitted of the charges framed against him. While admitting the contents of the compromise

placed on record to be correct, they also admit their signature upon the same. Their statements are taken on record.

6. After having heard statements made on oath by the complainant as well as injured, Mr. Rajan Kahol, learned Additional Advocate General, states that though in terms of the compromise arrived *interse* parties nothing remains to be adjudicated in the instant proceedings and no fruitful purpose would be served in case FIR, sought to be quashed, is permitted to sustain, but this Court, while considering the prayer made on behalf of the petitioner for quashing of the FIR, may take note of the fact that he was heavily drunk.

7. The question which now needs consideration is whether FIR's 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 (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., since 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(now section 528 of BNSS) 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(now section 528 of BNSS), 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. Aforesaid view taken by Hon'ble Apex Court has been further reiterated in **Gian Singh v. State of Punjab and anr.** (2012) 10 SCC 303.

10. The Hon'ble Apex Court in case **Gian Singh** supra 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 to compound the offences under Section 320 Cr.P.C. 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.P.C(now section 528 of BNSS) 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 the petitioner and respondent No.2/ complainant as well as injured have compromised the matter *interse* them, in which case, possibility of conviction is remote and no fruitful purpose would be served in continuing with the criminal proceedings.

13. Consequently, in view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court (supra), FIR No.25 of 2025, dated 26.01.2025, under Sections 281, 125(a), 125(b) of Bhartiya Nyaya Sanhita and Section 185 of the Motor Vehicles Act, registered at police Station, Nurpur, District Kangra, Himachal

Pradesh as well as consequent proceedings pending adjudication in the competent Court of law, are quashed and set aside. Accused is acquitted of the charges framed against him.

14. In the present case, since the petitioner was driving the motorcycle under the influence of liquor, he is liable to pay a fine of ₹25,000/-. Accordingly, he is directed to deposit the aforesaid amount before District Treasury, Kangra, Himachal Pradesh within a period of four weeks from today, failing which he shall render himself liable to penal consequences, including proceedings for contempt of Court.

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

List for compliance on 21.05.2026.

**(Sandeep Sharma),
Judge**

April 17, 2026
(shankar)