IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 469 of 2026
Reserved on: 22.09.2026
Date of Decision: 30.09.2026

Dhan Pal **.... Petitioner**

Versus

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

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting? No.

For the petitioner : **Mr Narender Singh Thakur, Advocate.**

For respondents : **Mr Tarun Pathak, Deputy Advocate General, for respondents No.1 /State.**

Mr Tarun K Sharma, Advocate, for respondent No.2.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for quashing of F.I.R. No. 108 of 2023, dated 19.06.2023, registered at Police Station Sarkaghat, District Mandi, H.P. for the commission of offences punishable under Sections 279, 337 & 338 of the Indian Penal Code and Section 187 of the Motor Vehicles Act (MV Act) and consequential proceedings arising out of it based on the compromise effected between the parties.

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2. It has been asserted that the petitioner and the informant have decided to end the matter with the intervention of respectable members of the society. The informant does not want to proceed further with the matter after the compromise. Hence, the petition.

3. The statement of the informant, Amit Prashar, was recorded on 07.08.2026, in which he stated that he had entered into a compromise with the petitioner voluntarily without any influence from any person and he did not want to proceed further with the matter.

4. I have heard learned counsel for the parties and have gone through the records carefully.

5. A perusal of the FIR shows that the informant Amit Prashar was riding a motorcycle bearing registration no. HP-28-7262, with Santosh Kumar. A vehicle bearing registration No. HP28A-9334 hit the motorcycle. The petitioner and Santosh Kumar fell and sustained injuries.

6. The Court had noticed on 07.08.2026 that Santosh Kumar had not appeared before the Court and the matter was adjourned to enable the petitioner to produce Santosh Kumar

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before the Court. However, Santosh was not produced before the Court, and the matter was adjourned to enable the petitioner to produce Santosh Kumar before the Court; however, Santosh Kumar was not produced before the Court. The compromise for quashing of the F.I.R. (Annexure P-2) also does not bear the signatures of Santosh Kumar.

7. Santosh Kumar was riding on the motorcycle with the informant and his life was put in danger by the accident; therefore, he is a necessary party who is required to be heard before quashing the FIR[1]. However, he has not appeared before the Court, and the FIR cannot be quashed in his absence.

8. Consequently, the present petition fails, and it is dismissed. Pending application(s), if any, also stand disposed of.

9. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

30th September, 2026
(Ravinder)

[1] Anand Kumar v. State of M.P., 2026 SCC OnLine SC 1724

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