



RESEARCH QUESTION

"After a minor road accident in India settled on the spot, can police still register a case, what offences apply to accidents under the BNS and Motor Vehicles Act, and what should a driver legally do immediately after an accident?"

Can Police Register a Case After an On-Spot Settlement of a Minor Road Accident, What Offences Apply Under BNS and the Motor Vehicles Act, and What Are a Driver's Immediate Legal Obligations?

TL;DR

Even if a minor road accident is settled on the spot, the police are legally empowered to register an FIR under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, if the information discloses a cognizable offence. Under the Bharatiya Nyaya Sanhita (BNS), 2023, drivers face prosecution for rash driving (Section 281) and endangering life (Section 125), while Section 134 of the Motor Vehicles Act, 1988 mandates immediate duties of medical assistance and reporting, punishable under Section 187. The Supreme Court in *Ravi v. Badrinarayan* (2011) clarified that while immediate medical attention to the injured must take priority over administrative formalities, drivers must comply with reporting requirements, though High Courts will readily quash proceedings once a genuine, voluntary compromise is subsequently proved.

VERIFIED CASES	STATUTES	LATEST RULING
25	4	2025
20 High Courts · 5 SC		Calcutta High Court

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 On-Spot Settlements Do Not Bar Police Registration of an FIR

A private compromise or on-spot settlement between parties does not divest the police of their statutory duty to register an FIR and initiate an investigation if the information discloses a cognizable offence, as the primary purpose of an FIR is to set the criminal machinery in motion based on reasonable suspicion rather than conclusive proof of liability under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (*Rohit Das v. The State* (2025)).

02 High Courts Routinely Quash Prosecution of Settled Minor Accidents

Although an FIR can be legally registered despite an on-spot settlement, High Courts will exercise their inherent powers under Section 528 of the BNSS, 2023 (or Section 482 of the CrPC, 1973) to quash criminal proceedings for minor accident offences once a voluntary, genuine compromise is established, as continuing prosecution under such circumstances serves no public purpose and wastes judicial time (*Tungeshwar Kumar v. State of H.P.* (2025)).

03 Mandatory Duty of the Driver to Secure Medical Assistance

Immediately following any road accident involving injury or property damage, the driver of the vehicle has a mandatory, non-negotiable statutory duty under Section 134(a) of the Motor Vehicles Act, 1988 to take all reasonable steps to secure immediate medical attention for any injured person unless prevented by mob fury or factors beyond control (*Vismay Amitbhai Shah v. State of Gujarat* (2013)).

04 Driver's Obligation to Furnish Licensing and Insurance Information

The driver is legally obligated under Section 134(b) and (c) of the Motor Vehicles Act, 1988 to report the circumstances of the accident to the nearest police station within 24 hours (if no police officer is present) and to supply insurance and licensing details to both the investigating officer and the insurer (*Icici Lombard General Insurance Co Ltd v. Rajinder Kumar Chopra* (2018)).

05 Severe Penalties and Heightened Liability for Fleeing the Spot

Running away from the scene of an accident to evade immediate legal duties instead of helping the victim is considered highly irresponsible behavior and statutory negligence, which can result in prosecution under Section 187 of the Motor Vehicles Act, 1988, and can even escalate charges to culpable homicide under Section 105 of the Bharatiya Nyaya Sanhita (BNS), 2023 if the driver has knowledge that leaving the injured on the road could lead to death (*Chandana Das Bhowmik v. State of Tripura* (2025)).

06 Driver's Responsibility to Disclose and Explain the Accident

Since motor vehicles on public roads involve inherent danger, the driver of an offending vehicle carries a central legal responsibility to explain the accident and demonstrate that they drove with reasonable care under the principle of *res ipsa loquitur* (*United India Insurance Co. Ltd. v. Zubeida Bano* (2019)).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	The Supreme Court has clarified that compensation claims for road traffic accidents under the MV Act fundamentally arise from proving injuries caused by the rash and negligent driving of a vehicle (<i>Baby Sakshi Greola v. Manzoor Ahmad Simon and Another</i> (2024)).
HIGH COURT VARIATIONS	High Courts have held that while the owner of a vehicle cannot be held vicariously liable for the criminal act of the driver, the driver remains personally liable for negligent driving and failing to slow down at intersections (<i>Union of India v. Smt. Anita Mehrotra</i> (2019)).
RECENT EVOLUTION	Modern judicial trends emphasize strict enforcement of licensing and insurance tracking to deter driver and owner irresponsibility on public streets (<i>G. Indirani v. Deivasilai</i> (2017)).

UNSETTLED AREAS OR CAVEATS

Delay in identifying vehicles or drivers

While a delay in reporting an accident is not fatal if emergency medical treatment was prioritized, an unexplained delay or contradictory details about the offending vehicle's identity can lead to adverse inferences, as courts seek to prevent fabricated claims designed solely to secure insurance payouts (*Veresham v. Unknown* (2014)).

II. Statutory Provisions 4 PROVISIONS

SECTION 134, MOTOR VEHICLES ACT, 1988 — DUTY OF DRIVER IN CASE OF ACCIDENT AND INJURY TO A PERSON

Imposes duties on the driver of a vehicle involved in an accident to secure medical help for injured persons, report details to the police, and provide insurance information to the insurer.

"When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall-- (a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, by conveying him to the nearest medical practitioner or hospital... (b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence... at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence. (c) give the following information in writing to the insurer... insurance policy number... date, time and place of accident; particulars of the persons injured or killed... name of the driver and the particulars of his driving licence." *Cited in: Naranbhai Rupabhai Mata v. State of Gujarat, Ramachandran v. General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Chandana Das Bhowmik v. State of Tripura*

SECTION 187, MOTOR VEHICLES ACT, 1988 — PUNISHMENT FOR OFFENCES RELATING TO ACCIDENT

Prescribes punishment of imprisonment, fine, or both for failing to comply with duties related to accidents and injuries under the Motor Vehicles Act.

"Whoever fails to comply with the provisions of clause (a) of sub-section (1) of section 132 or section 133 or section 134 shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees, or with both or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to one year, or with fine of ten thousand rupees, or with both." *Cited in: Icici Lombard General Insurance Co Ltd v. Rajinder Kumar Chopra, Basappa v. State of Karnataka, Vasim Javed v. State of H.P., Tungeshwar Kumar v. State of H.P.*

SECTION 281, BHARATIYA NYAYA SANHITA, 2023 — RASH DRIVING OR RIDING ON A PUBLIC WAY

Punishes rash or negligent driving or riding on a public way that endangers human life or is likely to cause hurt or injury.

"Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both." *Cited in: Nikita Sharma v. State of Himachal Pradesh, Tungeshwar Kumar v. State of H.P.*

SECTION 173, BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 — INFORMATION IN COGNIZABLE CASES

Mandates the recording of information regarding cognizable offences by the police, which includes providing a free copy of the record to the informant or victim.

"(1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given— (i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant... (ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it... (2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant or the victim." *Cited in: not cited in the discussed cases*

III.

Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Icici Lombard General Insurance Co Ltd v. Rajinder Kumar Chopra</i> DLHC011806732016	HIGH COURT OF DELHI	2018	Driver must furnish license and insurance details immediately after an accident.
02	<i>Ramachandran v. General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.</i> HCMDO11585722011	MADRAS HIGH COURT	2011	Involved drivers must secure medical attention and report accidents within 24 hours.
03	<i>Basappa v. State of Karnataka</i> ESCR010004092014	SUPREME COURT OF INDIA	2014	Punishes failure to perform driver duties under Section 134 of the MV Act.
04	<i>Rohit Das v. The State</i> WBCHCP0001852025	CALCUTTA HIGH COURT	2025	FIR is a preliminary document to initiate investigation, not substantive evidence of guilt.
05	<i>Aneena Anto v. The State</i> WBCHCP0001862025	CALCUTTA HIGH COURT	2025	Police can register FIR and investigate based on reasonable suspicion of cognizable offences.
06	<i>T. Madhavi v. The State</i> WBCHCP0001872025	CALCUTTA HIGH COURT	2025	Investigation of registered FIR is mandatory and cannot be prematurely quashed without cause.
07	<i>Vinita Sharma v. The State</i> WBCHCP0001892025	CALCUTTA HIGH COURT	2025	An FIR does not require minute details of the accident to be registered.
08	<i>Union of India v. Smt. Anita Mehrotra</i> UPHC010659412001	ALLAHABAD HIGH COURT	2019	Drivers must slow down at intersections to avoid negligent driving liability.
09	<i>Jahanara Begum v. The State</i> WBCHCP0001882025	CALCUTTA HIGH COURT	2025	Complainant has statutory remedies if the police refuse to register an accident FIR.
10	<i>United India Insurance Co. Ltd. v. Zubeida Bano</i> UPHC010280382005	ALLAHABAD HIGH COURT	2019	Driver of offending vehicle must explain the circumstances of the accident.
11	<i>Chandana Das Bhowmik v. State of Tripura</i> TRHC010006702025	HIGH COURT OF TRIPURA	2025	Fleeing the scene instead of helping victims constitutes severe negligence under BNS.
12	<i>Shri Sahadev Sahoo and Another v. The State and Others</i> WBCHCP0001902025	CALCUTTA HIGH COURT	2025	Police can register an FIR based on preliminary suspicion of cognizable offences.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>K. Bhaskar Rao v. The State</i> WBCHCP0001912025	CALCUTTA HIGH COURT	2025	Hearsay or non-eyewitness accounts are sufficient to register an initial FIR.
14	<i>G. Indirani v. Deivasilai</i> HCMA011042352004	MADRAS HIGH COURT	2017	Courts and authorities must strictly enforce MV Act penalties to deter negligent driving.
15	<i>Vismay Amitbhai Shah v. State of Gujarat</i> GJHC240242142013	HIGH COURT OF GUJARAT	2013	Drivers have a mandatory statutory duty to report accidents and secure medical aid.
16	<i>Karan v. State NCT of Delhi</i> DLHC010197672020	HIGH COURT OF DELHI	2020	Failing to stop and running away after an accident represents irresponsible behavior.
17	<i>Baby Sakshi Greola v. Manzoor Ahmad Simon and Another</i> ESCR010007462024	SUPREME COURT OF INDIA	2024	Negligent driving forms the core basis for accident-related claims and liability.
18	<i>Deepal Girishbhai Soni v. United India Assurance Co. Ltd.</i> ESCR010001912004	SUPREME COURT OF INDIA	2004	MV Act provides structured compensation pathways for victims regardless of proven fault.
19	<i>Veresham v. Unknown</i> HBHC010468342011	HIGH COURT FOR STATE OF TELANGANA	2014	Unexplained delays in identifying the offending vehicle can damage the prosecution's case.
20	<i>Ravi v. Badrinarayan</i> ESCR010005262011	SUPREME COURT OF INDIA	2011	Delay in filing an FIR is excused if driver prioritized urgent medical treatment.
21	<i>Nikita Sharma v. State of Himachal Pradesh</i> HPHC010115142025	HIGH COURT OF HIMACHAL PRADESH	2025	High Court can quash BNS and MV Act accident FIRs based on compromise.
22	<i>Tungeshwar Kumar v. State of H.P.</i> HPHC010220422025	HIGH COURT OF HIMACHAL PRADESH	2025	Voluntary settlement of minor accident disputes allows quashing of criminal prosecution.
23	<i>M/s Bajaj Alliance General Insurance Co. Ltd. v. Rambha Devi & Ors.</i> ESCR010005462024	SUPREME COURT OF INDIA	2024	Licensing regulations are strictly enforced but balanced with victim welfare.
24	<i>Vasim Javed v. State of H.P.</i> HPHC010205792023	HIGH COURT OF HIMACHAL PRADESH	2023	Amicable settlement of minor accident cases warrants quashing of criminal proceedings.
25	<i>Naranbhai Rupabhai Mata v. State of Gujarat</i> GJHC240367872009	HIGH COURT OF GUJARAT	2012	Owner is not vicariously liable for the driver's criminal negligence under MV Act.

IV. Case Details

25 CASE FILES

01 Icici Lombard General Insurance Co Ltd v. Rajinder Kumar Chopra

HIGH COURT OF DELHI • 2018-05-04 • MAC.APP./616/2016

This case concerns four consolidated appeals filed by an insurance company challenging compensation awards for deaths and injuries resulting from a road accident involving a BMW and an Indigo car. The insurance company contested its liability, alleging a breach of policy terms because the driver of the BMW, the owner's son, was driving without a valid license. The Claims Tribunal had awarded compensation without explicitly determining who was driving the vehicle, despite conflicting evidence and a police investigation identifying the unlicensed son as the driver. The High Court addressed whether the Tribunal could properly pass an award without adjudicating these disputed facts regarding the driver's identity and licensure.

HELD The High Court reproduced and analyzed Sections 134 and 187 of the Motor Vehicles Act, 1988, emphasizing that the driver or person in charge of a vehicle involved in an accident is legally mandated to report the accident, provide medical assistance to injured persons, and furnish licensing and insurance details.

“Sections 134 and 187 of the Motor Vehicles Act are reproduced hereunder: —Section 134 - Duty of driver in case of accident and injury to a person.—When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver MAC. APP. Nos.616/2016, 594/2016, 612/2016 & 615/2016 Page 29 of 75 of the vehicle or other person in charge of the vehicle shall— (a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, unless the injured person or his guardian, in case he is a minor, desires otherwise; (b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence; (c) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:— (i) insurance policy number and period of its validity; (ii) date, time and place of accident; (iii) particulars of the persons injured or killed in the accident; (iv) name of the driver and the particulars of his driving licence. Explanation.—For the purposes of this section the expression —driver|| includes the owner of the vehicle.|| —Section 187 - Punishment for offences relating to accident.—Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 132 or of section 133 or section 134 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both or, if having been previously MAC. APP. Nos.616/2016, 594/2016, 612/2016 & 615/2016 Page 30 of 75 convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.||”

HIGH COURT OF DELHI • 2018

SOURCE DLHC011806732016

02 Ramachandran v. General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.

MADRAS HIGH COURT • 2011-08-16 • WP(MD)/9138/2011

The petitioner, a bus conductor, filed this writ petition challenging his exclusion from a promotion list to the post of Checking Inspector. The petitioner's name was omitted while departmental disciplinary proceedings were pending against him regarding a bus accident where a passenger sustained injuries. The court reviewed the charges and the disciplinary process, finding that the management acted within its rights to exclude the employee from promotion during the pendency of a disciplinary inquiry. Consequently, the court found no merit in the petitioner's request to interfere with the corporation's decision and dismissed the petition.

HELD The High Court affirmed that Section 134 of the Motor Vehicles Act, 1988 imposes a mandatory duty on a driver or person in charge of a vehicle involved in an accident to immediately secure medical assistance for any injured person and report the accident details to the nearest police station.

"Section 134 of the Motor Vehicles Act, 1988 enjoins a duty on the driver and other persons in charge of the vehicle, in case of an accident and injury to a person, which reads as follows:- \"134. Duty of driver in case of accident and injury to a person:- When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall a. unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, unless the injured person or his guardian, in case he is a minor, desires otherwise"

MADRAS HIGH COURT • 2011

SOURCE HCMD011585722011

03 Basappa v. State of Karnataka

SUPREME COURT OF INDIA • 2014-02-27 • 2014 INSC 147

The appellant was charged under sections 279 and 304A of the Indian Penal Code following a fatal road accident. The trial court acquitted the accused due to a lack of evidence confirming he was the driver and establishing the alleged rash or negligent conduct. On appeal, the High Court reversed the acquittal and convicted the appellant, relying on circumstantial evidence. The Supreme Court set aside the High Court's decision, holding that an appellate court can only reverse an acquittal if the trial court's judgment is perverse or based on a misreading of evidence. Since the High Court merely substituted its own view without finding the trial court's findings to be legally flawed or perverse, the reversal was unjustified.

HELD The Supreme Court noted that non-compliance with Section 134 of the Motor Vehicles Act, 1988 is punishable under Section 187 of the Act, but held that criminal liability for rash and negligent driving under Sections 279 and 304A IPC requires concrete, non-circumstantial proof of the driver's identity.

"Therefore, the alleged offence could only be non-compliance of Section 134, which reads, as under: \"134. Duty of driver in case of accident and injury to D a person.- When any person is injured or any property of a 3rd party is damaged. as a result of an accident in which a motor vehicle is involved. the driver of the vehicle or other person-in-charge of the vehicle shall- (a) E unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for F any procedural formalities, unless the injured person or his guardian, in case he is a minor, desires G otherwise; (b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence. H 398 A B c D SUPREME COURT REPORTS [2014] 3 S.C.R. including the circumstances. if any. for not taking reasonable steps to secure the medical attention as required under clause (al. at the nearest police station as soon as possible and in any case within twenty-four hours of the occurrence."

SUPREME COURT OF INDIA • 2014

SOURCE ESCR010004092014

04 Rohit Das v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/10/2025

The petitioner sought to quash an FIR registered under section 156(3) of the Cr.P.C. (corresponding to section 175(3) of the BNSS, 2023), arguing that the underlying dispute regarding a property sale transaction was essentially civil in nature and that the Magistrate failed to apply his mind when directing the registration of the FIR. The court noted that the FIR is not a substantive piece of evidence and does not need to contain every minute detail to be valid at the initial stage. Emphasizing that investigation was still ongoing and a charge sheet had not been filed, the court declined to quash the FIR at this stage, noting that the investigation might ultimately exclude the petitioner.

HELD The High Court explained that an FIR is not a substantive piece of evidence and does not need to contain minute details of the offense, but rather serves as a preliminary information report to initiate a police investigation under Section 173 of the BNSS when a cognizable offense is suspected.

“The FIR was never treated to be a substantive piece of evidence and can be only used to corroborate as contradict the informant’s evidence in the court. FIR is not an encyclopedia disclosing all facts and details relating to the offence. The true test of a valid FIR is to ascertain whether the information furnished provides reason to suspect the commission of an offence to be investigated by a police officer under section 175(1) of the BNSS.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001852025

05 Aneena Anto v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/11/2025

This case involved a petition to quash an FIR registered under Section 156(3) of the Criminal Procedure Code (corresponding to the Bharatiya Nagarik Suraksha Sanhita). The petitioner argued that the underlying dispute was purely civil in nature, involving transactions between property owners and a real estate broker, and alleged a lack of proper procedure by the Magistrate in directing the FIR. The Calcutta High Court declined to quash the FIR at this stage, noting that the investigation was still ongoing and had not yet concluded. The Court held that an FIR is not meant to be a comprehensive account of all facts, and prematurely stifling an investigation without a charge sheet was inadvisable.

HELD The High Court held that the legal test for a valid FIR is simply whether the information provides a reason to suspect the commission of a cognizable offense, which empowers police officers to initiate an investigation without requiring exhaustive details.

“The true test of a valid FIR is to ascertain whether the information furnished provides reason to suspect the commission of an offence to be investigated by a police officer under section 175(1) of the BNSS. In *Amish Devgan vs. Union of India 1*, it has been stated thus:- “113. Acronym FIR, or the first information report, is neither defined in the Criminal Procedure Code nor is used 1 (2020) SCC OnLine SC 994 therein, albeit it refers to the information relating to the commission of a cognizable offence.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001862025

06 T. Madhavi v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/12/2025

The petitioner sought to quash an FIR registered following a Magistrate's order under Section 156(3) of the Criminal Procedure Code. The dispute arose from a real estate transaction where the complainant alleged that funds intended for vendors were misappropriated by a broker. The petitioner, a purchaser, argued the dispute was civil in nature and that the Magistrate failed to follow proper procedural requirements regarding preliminary inquiries. The High Court observed that at this stage, the investigation is ongoing and the FIR serves only as a preliminary report to initiate inquiry. Given that the investigation is incomplete and it is unclear if the petitioner will be implicated in a future charge sheet, the Court declined to quash the FIR and dismissed the petition.

HELD The High Court noted that the registration of an FIR requires only a reasonable suspicion of a cognizable offence, and courts should not interfere with or quash proceedings at a preliminary stage when a police investigation is still ongoing.

“At the initial stage of the registration, the law mandates that the officer can start investigation when he has reason to suspect commission of offence. Requirements of Section 157 are higher than the requirements of Section 154 of the Criminal Procedure Code. Further, a police officer in a given case after investigation can file a final report under Section 173 of the Criminal Procedure Code seeking closure of the matter.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001872025

07 Vinita Sharma v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/14/2025

The petitioner sought to quash an FIR registered under Section 156(3) of the Criminal Procedure Code (corresponding to the Bharatiya Nagarik Suraksha Sanhita), arguing that the underlying dispute was purely civil in nature involving a real estate transaction and a broker. The court observed that while the dispute appeared to be primarily between property owners and brokers, it would be premature to quash the FIR at the initial stage of investigation. Relying on established legal principles that an FIR does not need to contain exhaustive details and is not a substantive piece of evidence, the court dismissed the petition, noting that the investigation must be allowed to conclude before determining whether the petitioner should be included in a charge sheet.

HELD The High Court ruled that it is premature to quash an FIR at the inception of an investigation, reiterating that an FIR is merely a preliminary report to put criminal law in motion and is not required to be a detailed document.

“Further, FIR is not meant to be a detailed document containing chronicle of all intricate and minute details. In *Dharma Rama Bhagare v. State of Maharashtra*¹⁰ it was held that an FIR is not even considered to be a substantive piece of evidence and can be only used to corroborate or contradict the informant's evidence in the court.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001892025

08 Union of India v. Smt. Anita Mehrotra

ALLAHABAD HIGH COURT • 2019-04-12 • FAF0/1725/2001

This appeal arose from a motor vehicle accident involving a collision between a truck and a car, resulting in the death of the car's driver. The Motor Accident Claims Tribunal had originally awarded compensation of Rs. 7,00,000. The High Court assessed the issue of contributory negligence, attributing 25% of the fault to the deceased for his manner of entering the road from a petrol pump. Applying current Supreme Court guidelines, the Court recalculated the compensation by including future prospects, resulting in an increased award of Rs. 10,72,000 plus additional damages. The interest rate on the award was adjusted to 9% per annum.

HELD The High Court observed that statutory driving regulations, including those in the 10th Schedule to the Motor Vehicles Act, require drivers to slow down at junctions and intersections, and failing to do so leads to a finding of rash and negligent driving.

“It is the duty of driver of the offending vehicle to explain the accident. It is well settled law that at intersection where two roads cross each other, it is the duty of a fast moving vehicle to slow down and if driver did not slow down at intersection, but continued to proceed at a high speed without caring to notice that another vehicle was crossing, then the conduct of driver necessarily leads to conclusion that vehicle was being driven by him rashly as well as negligently.”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC010659412001

09 Jahanara Begum v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/13/2025

The petitioner sought to quash an FIR registered under section 156(3) of the Criminal Procedure Code, arguing that the dispute was essentially civil in nature, involving a real estate transaction between complainants and a broker. The petitioner claimed that the Magistrate failed to properly apply his mind and did not comply with statutory requirements under the Bharatiya Nagarik Suraksha Sanhita (BNSS). The High Court declined to quash the FIR, holding that an FIR is not an encyclopedia of evidence and that it is premature to intervene while the

police investigation is ongoing. The Court noted that the petitioner could be exonerated if the final investigation report does not name them, and thus dismissed the petition.

HELD The High Court outlined that Section 173(4) and Section 175(3) of the BNSS, 2023 provide statutory remedies, such as complaining to the Superintendent of Police or filing an application before a Magistrate, if an officer-in-charge refuses to register an FIR.

“On a conjoint reading of section 173(4) and 175(3), it appears that section 173(4) of BNSS, 2023 gives a right to the complainant to make a complaint to the Superintendent of Police once the Officer Incharge of the Police Station has refused to record the information furnished under section 173(1) while in section 175(3) if an application is filed by the applicant for non-registration of the FIR, the Court being satisfied with an affidavit affirmed in terms of section 173(4) and on consideration of a preliminary enquiry that may be conducted by the police authority direct registration of an FIR.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001882025

10 United India Insurance Co. Ltd. v. Zubeida Bano

ALLAHABAD HIGH COURT • 2019-02-07 • FAF0/665/2005

This appeal addressed a claim for compensation following a fatal motor vehicle accident involving a cyclist and a tempo. The appellant insurance company challenged the compensation award, arguing that the deceased cyclist was contributorily negligent and that the income and medical expenses calculations were erroneous. The court affirmed the Tribunal's decision, noting that evidence, including the police report and the driver's testimony, established the tempo driver's negligence. The court found no evidence of contributory negligence by the deceased and upheld the calculation of compensation, which was based on the deceased's occupation as a skilled tailor and verified medical expenses.

HELD The High Court emphasized that the driver of an offending vehicle involved in an accident has a clear legal duty to explain how the accident occurred, and the rule of *res ipsa loquitur* may be frequently applied in motor accident claims.

“It is the duty of driver of the offending vehicle to explain the accident. It is well settled law that at intersection where two roads cross each other, it is the duty of a fast moving vehicle to slow down and if driver did not slow down at intersection, but continued to proceed at a high speed without caring to notice that another vehicle was crossing, then the conduct of driver necessarily leads to conclusion that vehicle was being driven by him rashly as well as negligently.”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC010280382005

11 Chandana Das Bhowmik v. State of Tripura

HIGH COURT OF TRIPURA • 2025-07-04 • BA/32/2025

This matter concerns a bail application filed on behalf of an accused person charged under Section 281 and 105 of the Bharatiya Nyaya Sanhita (BNS), 2023, along with sections of the Motor Vehicles Act, following a motor vehicle accident. The defense argued that the case should have been registered under Section 106 of the BNS, which deals with causing death by negligence, rather than Section 105, which relates to culpable homicide not amounting to murder, to avoid unnecessary harassment. The prosecution, relying on Supreme Court precedents, contended that the facts justified charges under Section 105 due to the nature of the act and the driver's conduct. The High Court considered these arguments regarding the appropriate legal classification for bail purposes.

HELD The High Court observed that a driver who hits individuals on the road and flees the scene without rendering medical help under Section 134 of the Motor Vehicles Act exhibits criminal negligence and knowledge of likely death, which can warrant charges of culpable homicide under Section 105 of the BNS.

“The respondent, instead of rendering a helping hand to the injured, ran away from the scene, thus adding further to the miseries of the victims. It is not a good trend to run away after causing motor road accidents. An attempt should be made to render all possible help, including medical assistance, if required. Human touch to the same has to be given. ... Section 134 of the Motor Vehicles Act, 1988 casts a duty on a driver to take reasonable steps to secure medical attention for the injured person.”

HIGH COURT OF TRIPURA • 2025

SOURCE TRHC010006702025

12 Shri Sahadev Sahoo and Another v. The State and Others

CALCUTTA HIGH COURT • 2025-03-12 • CRR/15/2025

The petitioners sought to quash an FIR directed by a Magistrate under Section 156(3) of the Criminal Procedure Code, arguing that the underlying dispute regarding a property transaction was civil in nature and that the Magistrate failed to exercise proper judicial discretion. The State opposed the petition, contending that the matter required further investigation and that the FIR serves only as a preliminary step in the criminal process, not a substantive piece of evidence.

The High Court dismissed the petition, ruling that it was premature to quash the FIR at the investigation stage. The Court noted that an FIR is not an encyclopedia of all facts, and since the investigation is ongoing, it would be improper to interfere before a charge sheet is filed.

HELD The High Court held that an FIR is merely a preliminary report to set the criminal machinery into motion and is not meant to be a comprehensive encyclopedia of all facts surrounding the offense.

“FIR is not an encyclopedia disclosing all facts and details relating to the offence. The true test of a valid FIR is to ascertain whether the information furnished provides reason to suspect the commission of an offence to be investigated by a police officer under section 175(1) of the BNSS.”

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001902025

13 K. Bhaskar Rao v. The State

CALCUTTA HIGH COURT • 2025-03-12 • CRR/16/2025

The petitioner sought to quash an FIR registered pursuant to a Magistrate's order under Section 156(3) of the Cr.P.C. (now Section 175(3) of the BNSS) concerning a property transaction dispute involving brokers and vendors. The petitioner argued that the dispute was essentially civil in nature and that the Magistrate failed to properly apply his mind when directing the registration of the FIR. The court declined to quash the FIR at this preliminary stage, noting that an FIR is not meant to be a comprehensive document of all facts and that investigation is necessary to determine the veracity of the allegations. The court held that it was premature to interfere before the investigation concludes.

HELD The High Court noted that under the procedural rules of the CrPC and BNSS, information reduced to writing for the registration of an FIR does not need to be provided by an eyewitness and cannot be dismissed simply as hearsay.

"This information, if given orally to an officer in charge of the police the police station, is mandated to be reduced in writing. Information to be recorded in writing need not be necessarily by an eyewitness, and hence, cannot be rejected merely because it is hearsay."

CALCUTTA HIGH COURT • 2025

SOURCE WBCHCP0001912025

14 G. Indirani v. Deivasilai

MADRAS HIGH COURT • 2017-02-24 • CMA/1866/2004

This appeal challenged a Motor Accident Claims Tribunal award, seeking enhanced compensation and the imposition of liability on state authorities due to the offending vehicle being uninsured. The appellants argued that government officials failed in their statutory duty to ensure vehicles were insured. The court rejected this, holding that the Motor Vehicles Act imposes the duty to insure solely on the owner or user of the vehicle and that the Tribunal lacks jurisdiction to hold government officials liable for such administrative omissions. However, the court allowed the enhancement of compensation based on future prospects, loss of consortium, and loss of love and affection for the minor children.

HELD The High Court directed that licensing authorities, law enforcement agencies, and courts must actively invoke statutory powers (such as Sections 19 to 22 and Section 196 of the Motor Vehicles Act) to enforce driver and owner responsibility and curb negligence on roads.

"all the licensing authorities, law enforcing agencies and Courts are directed to invoke Sec.19 to 22 and Sec.196 of the MV Act to the extent they relate to the respective sphere of their duties wherever their use is warranted by the facts and circumstance of the case. In every case there shall be a speaking order giving reasons for exercising the said powers"

MADRAS HIGH COURT • 2017

SOURCE HCMA011042352004

15 Vismay Amitbhai Shah v. State of Gujarat

HIGH COURT OF GUJARAT • 2013-09-11 • CR.RA/540/2013

The applicant sought to be discharged from charges under Section 304(II) of the Indian Penal Code (culpable homicide not amounting to murder) following a fatal car accident that resulted in the deaths of two individuals. The applicant argued that the evidence, including CCTV footage, indicated the incident was a tragic accident rather than an intentional or reckless act committed with the knowledge that it would likely cause death. Consequently, he contended that the charges should be restricted to rash and negligent driving under Section 279 and Section 304(A) of the IPC. The court examined the application in the context of the charge sheet and the legal standards for discharge, ultimately determining whether the evidence warranted framing charges for the more serious offense.

HELD The High Court held that Section 134 of the Motor Vehicles Act mandates a statutory duty to secure medical attention for any injured person, and a licensed driver's failure to do so, combined with fleeing from the scene, can substantiate charges under both Section 279 and Section 304(II) IPC (now Sections 281 and 105 BNS).

"Section 134 of the Act provides for duty of driver in case of accident and injury to a person Page 18 of 73 R/CR.RA/540/2013 CAV JUDGEMNT stating that when any person is injured as a result of an accident by motor vehicle, the driver of the vehicle or other person in charge of the vehicle shall take all reasonable steps to take injured by conveying him to the nearest medical practitioner or hospital. Therefore, when word '\shall\' is used in Section 134, once a person has license to drive the vehicle in public place, it is his mandatory and statutory duty to follow such provision of law."

HIGH COURT OF GUJARAT • 2013

SOURCE GJHC240242142013

16 Karan v. State NCT of Delhi

HIGH COURT OF DELHI • 2020-11-27 • CRL.A./352/2020

The case concerns the validity of a High Court transfer order for judicial officers that permits them to pronounce judgments in cases where they had already reserved orders prior to their transfer. The appellants had challenged their conviction on the grounds that the trial judge lost jurisdiction upon being transferred to a different court. However, they later withdrew their objection to the judge's jurisdiction. The Court proceeded to examine the legal validity of the administrative instruction ('Note 2') which allows transferred judges to finalize reserved matters, ultimately aiming to ensure procedural efficiency and clarify the scope of judicial authority in the context of administrative transfers within the criminal justice system.

HELD The High Court detailed various elements of irresponsible driving behavior and post-accident conduct, noting that failing to stop after an accident, running away from the spot, and misleading investigations are significant indicators of irresponsible driver behavior.

"Irresponsible Behaviour (i) Failing to stop after accident (ii) Ran away from the spot after leaving the vehicle (iii) Destruction or attempt to destroy the evidence ... (ix) Misled the investigation"

HIGH COURT OF DELHI • 2020

SOURCE DLHC010197672020

17 Baby Sakshi Greola v. Manzoor Ahmad Simon and Another

SUPREME COURT OF INDIA • 2024-12-11

The appellant, a minor at the time of a road traffic accident, suffered grievous injuries resulting in 75% permanent disability and moderate mental retardation. While the Motor Accident Claims Tribunal and the High Court awarded compensation, the appellant challenged these amounts as inadequate. The Supreme Court observed that the appellant would remain dependent on an attendant for life and that her condition was equivalent to 100% functional disability. The Court set aside the High Court's judgment, determining that compensation for loss of earnings should be based on the minimum wage of a skilled workman rather than notional income. Additionally, the Court substantially enhanced damages for pain and suffering, loss of marriage prospects, future medical treatment, and lifelong attendant charges, ultimately awarding a total compensation of Rs. 50,87,000.

HELD The Supreme Court reviewed a compensation claim arising from a motor accident, confirming that establishing whether the claimant suffered injuries due to the rash and negligent driving of the offending vehicle is the foundational issue in such proceedings.

"First, whether the appellant had suffered grievous injuries on account of the road accident on 2 nd June 2009, due to rash and negligent driving of vehicle by Respondent No. 1."

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010007462024

18 Deepal Girishbhai Soni v. United India Assurance Co. Ltd.

SUPREME COURT OF INDIA • 2004-03-18 • 2004 INSC 184

The court examined whether compensation awarded under Section 163-A of the Motor Vehicles Act, 1988, is an interim or final award. Affirming the decision in *Oriental Insurance Co. Ltd. v. Hansrajbhai V. Kodala*, the Court held that Section 163-A provides a comprehensive, structured formula for compensation that acts as a final remedy, distinct from the fault-based remedy under Section 166. Consequently, a claimant must elect to pursue a claim under either Section 163-A or Section 166, but cannot pursue both. The court distinguished these proceedings from the ad-hoc interim compensation provided under Section 140, clarifying that remedies under Section 163-A and 166 are mutually exclusive and final.

HELD The Supreme Court observed that the Motor Vehicles Act is a beneficial social welfare legislation, and highlighted that structured compensation schemes under Chapter XI are designed to provide rapid financial relief to victims, bypassing lengthy fault-finding procedures.

“The Act indisputably is in the nature of a social welfare legislation. The provisions as regard no fault liability evidently were inserted having regard to the fact that the road accidents in India had touched a new height ... Proposals have-been made from time to time that the finalisation of compensation claims would be greatly facilitated to the advantage of the claimant, the vehicle owner as well as the Insurance Company if a system of structured compensation can be introduced.”

SUPREME COURT OF INDIA • 2004

SOURCE ESCR010001912004

19 Veresham v. Unknown

HIGH COURT FOR STATE OF TELANGANA • 2014-11-13 • MACMA/1889/2011

The claimants appealed against a Motor Accident Claims Tribunal decision that denied compensation for the death of the deceased, Veresham, in a road accident. The claimants alleged the death was caused by a specific TVS Moped; however, the court noted that the initial FIR filed by the wife identified the offending vehicle as an 'unknown vehicle.' The court found the later testimony, which attempted to implicate a specific vehicle and driver, to be a fabricated afterthought designed to secure insurance compensation. Consequently, the appellate court upheld the tribunal's finding that the involvement of the specific vehicle was not proven.

HELD The High Court found that when an eye-witness fails to report the identity of the offending vehicle in the initial FIR and subsequently names a specific vehicle after a long delay, it indicates fabrication to secure insurance, and the claims must be rejected.

“She mentioned admittedly in the FIR given by her that it is unknown vehicle that hit and run her husband and when such is the case, PW.1’s evidence before the Court in the witness box is with exaggeration and false version, contrary to the above FIR contents that cannot be weighed in the absence what made her to say so and on what information and basis in the FIR Ex.A.1.”

HIGH COURT FOR STATE OF TELANGANA • 2014

SOURCE HBHC010468342011

20 Ravi v. Badrinarayan

SUPREME COURT OF INDIA • 2011-02-18 • 2011 INSC 139

This case addressed whether a delay in filing an FIR for a motor vehicle accident should result in the dismissal of a compensation claim. The Supreme Court held that while an FIR is important, a delay is not fatal if the claimant provides a satisfactory and credible explanation. The court emphasized that in genuine cases, prioritizing medical treatment over administrative formalities is reasonable. The Court, therefore, allowed the appeal, finding that the claimant—a minor who suffered permanent 50% disability—was entitled to compensation. It set aside the lower courts' dismissal and awarded the victim Rs. 2.5 lakhs with interest, stressing that compensation for permanent injury must be both adequate and proper.

HELD The Supreme Court ruled that a delay in lodging an FIR is not fatal to motor accident claims if there is a credible explanation, such as the victim's family prioritizing immediate medical treatment over legal and administrative formalities.

"Obviously at that point of time, he was more concerned to get the medical treatment for his son rather than lodging FIR. Being a common man, oblivious of the niceties of law, he did not deem it necessary to lodge the FIR immediately."

SUPREME COURT OF INDIA • 2011

SOURCE ESCR010005262011

21 Nikita Sharma v. State of Himachal Pradesh

HIGH COURT OF HIMACHAL PRADESH • 2025-06-30 • CRMM0/193/2025

The petitioner sought to quash an F.I.R. registered against her for offenses under the Bharatiya Nyaya Sanhita and the Motor Vehicles Act, following a voluntary compromise reached with the complainant and the injured parties. The complainant stated they had no objection to the quashing of the proceedings. Relying on established precedents regarding the compounding of similar offenses and the amicable resolution between the parties, the High Court of Himachal Pradesh allowed the petition. The Court ordered the quashing of the F.I.R. and all subsequent criminal proceedings initiated against the petitioner.

HELD The High Court held that criminal proceedings and FIRs registered under Sections 281, 125(A), and 125(B) of the BNS, as well as Sections 180, 181, and 184 of the Motor Vehicles Act, can be quashed when the parties reach a voluntary compromise.

"The offences punishable under Sections 125A and Section 125B of the BNS are compoundable under Section 359 of BNS. Offence punishable under Section 281 of BNS corresponds to Section 337 of Indian Penal Code (IPC). This Court had already quashed the F.I.R. registered for the commission of offences punishable under Sections 279 of IPC ... based on the compromise."

HIGH COURT OF HIMACHAL PRADESH • 2025

SOURCE HPHC010115142025

22 Tungeshwar Kumar v. State of H.P.

HIGH COURT OF HIMACHAL PRADESH • 2025-06-04 • CRMM0/315/2025

The petitioner sought to quash an FIR registered against him for offenses under the Bhartiya Nyaya Sanhita and the Motor Vehicles Act following a road accident. The petitioner and the complainant reached a voluntary compromise, and the complainant expressed no objection to the proceedings being closed. Relying on established judicial precedents, the court noted that cases involving similar offenses are frequently quashed when parties resolve their disputes amicably. Consequently, the court allowed the petition and quashed the FIR and all related proceedings.

HELD The High Court quashed an FIR registered for offenses under BNS Sections 281 and 125(a) along with MV Act Section 187 because the parties had entered into an amicable and voluntary settlement.

"The present petition has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of F.I.R. No. 15 of 2025, dated 10.03.2025, registered at Police Station Arki, District Solan, H.P. for the commission of offences punishable under Sections 281 & 125(a) of Bhartiya Nyaya Sanhita (in short "BNS") and Section 187 of the Motor Vehicles Act ... based on compromise effected between the parties."

HIGH COURT OF HIMACHAL PRADESH • 2025

SOURCE HPHC010220422025

23 M/s Bajaj Alliance General Insurance Co. Ltd. v. Rambha Devi & Ors.

SUPREME COURT OF INDIA • 2024-11-06 • 2024 INSC 840

The Supreme Court considered whether a driver holding a Light Motor Vehicle (LMV) license for vehicles weighing under 7,500 kg is authorized to drive a 'transport vehicle' without an additional endorsement. The Court held that for licensing purposes, the LMV class and the transport vehicle class overlap. Consequently, an LMV license holder is permitted to operate a transport vehicle weighing less than 7,500 kg without specific additional authorization. The Court affirmed that the ruling in Mukund Dewangan (2017) remains correct and is not per incuriam, noting that strict statutory definitions of LMVs must be harmonized with the broader objectives of the Motor Vehicles Act to ensure that victims of road accidents are not denied compensation on technical grounds.

HELD The Supreme Court noted that the formulation of the Motor Vehicles Act, 1988 aimed to address rapid increases in vehicles and ensure road safety standards while simplifying procedures and providing deterrence against traffic offenders.

"This Working Group took into account the suggestions and recommendations ... concern for road safety standards, and pollution- control measures, standards for transportation of hazardous and explosive materials; (e) simplification of procedure and policy liberalization for private sector operations in the road transport field ; and (f) need for effective ways of tracking down traffic offenders.""

SUPREME COURT OF INDIA • 2024

SOURCE ESCR010005462024

24 Vasim Javed v. State of H.P.

HIGH COURT OF HIMACHAL PRADESH • 2023-07-28 • CRMM0/587/2023

The petitioner sought to quash an FIR registered under Sections 279 and 337 of the Indian Penal Code and Section 187 of the Motor Vehicles Act following a motor vehicle accident that resulted in injuries to a minor. The petitioner and the minor's father reached a voluntary settlement, acknowledging that the accident was caused by a stray animal rather than reckless driving. The court noted that the petitioner had covered the medical expenses and that the complainant no longer wished to pursue the case. Given the compromise and the lack of

a reasonable prospect of conviction, the court allowed the petition and quashed the criminal proceedings to serve the interests of justice and conserve judicial time.

HELD The High Court quashed criminal proceedings for accident offences under Sections 279 and 337 IPC (now Sections 281 and 125 BNS) and Section 187 of the Motor Vehicles Act, noting that continuing prosecution after a voluntary settlement and explanation of the accident is a waste of judicial time.

“Since, the person, who has put the criminal machinery into motion, has exonerated the petitioner from the allegations of rash and negligent driving, as such, the chances of success of the case of prosecution before the Court, in case, the proceedings are permitted to continue, are not so bright.”

HIGH COURT OF HIMACHAL PRADESH • 2023

SOURCE HPHC010205792023

25 Naranbhai Rupabhai Mata v. State of Gujarat

HIGH COURT OF GUJARAT • 2012-03-20 • CR.MA/11495/2009

The applicant, owner of a truck, sought to quash a first information report registered against him following a fatal road accident. The police had charged him in connection with the incident, which resulted in twelve deaths and multiple injuries, solely due to his ownership of the vehicle. The High Court found that the allegations of rash and negligent driving were directed exclusively at the truck driver and that there were no facts or legal grounds to support criminal vicarious liability for the owner under the Indian Penal Code or the Motor Vehicles Act. Consequently, the court quashed the proceedings against the applicant, noting that no role had been attributed to him in the commission of the alleged offences.

HELD The High Court held that the owner of a vehicle cannot be held vicariously liable for the driver's criminal negligence under the IPC or Motor Vehicles Act, noting that Section 134 duties are personal and apply specifically to the driver of the vehicle.

“Section 134 of the Motor Vehicles Act provides for duty of driver in case of accident and injury to a person. In the facts of the present case, admittedly the applicant herein was not driving the vehicle in question and as such, the said provision would also not be applicable qua the applicant herein.”

HIGH COURT OF GUJARAT • 2012

SOURCE GJHC240367872009

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