

2025:PHHC:175382



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12985-2025

JUDGMENT RESERVED ON :27.11.2025

JUDGMENT PRONOUNCED ON : 16.12.2025

UPLOADED ON : 16.12.2025

RESHMA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G. Punjab

Mr. Sandeep Sharma, Advocate for respondents No. 2 and 3.

VINOD S. BHARDWAJ, J.

1. Present petition has been filed u/s 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking quashing of FIR bearing No. 70 dated 03.11.2024 registered under Section 106, Bhartiya Nyaya Sanhita, 2023 at Police Station Mukandpur, District SBS Nagar and all proceedings arising therefrom, on the basis of compromise dated 23.12.2024. (Annexure P-2).

2. The above FIR had been registered on the statement of Nek Ram resident of Binjo, PS Mahilpur, District Hoshiarpur. He stated that he along with his family was going on a motorcycle bearing Registration

number: PB-07-AA-4675 from Banga to Phillaur, when they reached near Rahipa Gate, then at around 10:00 am, one woman was going ahead of them while carrying buffaloes on road. The said woman hit a buffalo with a stick in order to make it move. Due to turning of buffalo to one side, its face hit complainant's motorcycle and because of this misbalancing, their motorcycle hit another vehicle viz. car bearing registration No. PB-08-BE-7099. Due to this collision, family of the complainant suffered severe injuries and son of the complainant passed away. The woman disclosed her name as Reshma W/o Murad Ali. It was stated that driver of the Car was not at fault and that the petitioner Reshma was liable to be prosecuted.

3. Since both the parties belonged to adjacent villages, hence, a Panchayat was convened. On the intervention of the respectables, the matter was compromised and parties agreed to drop proceedings and charges against each other. On, 23.12.2024 the parties compromised the matter and filed the present petition for seeking quashing of FIR on the basis of compromise. A prayer has been made for quashing of FIR for which reliance has been placed upon the judgment of co-ordinate bench **Deepak Sharma and Others v State of Haryana and Another,** CRM-M-11143 of 2021 decided on 27.02.2024 and judgment of High Court of Himachal Pradesh **Pramod Kumar v State of Himachal Pradesh and Others,** Cr.MMO no. 1080 of 2024 decided on 12.12.2024.

4. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 04.04.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5. Pursuant to the said order, report has been received from

Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar vide Memo No. 87 dated 07.07.2025. The relevant extract of the report is reproduced as under:-

- (i) *That as per statement of I.O. and record in the present FIR only one person namely Reshma is arrayed as accused and the said accused has appeared for recording her statement.*
- (ii) *As per the statement of IO not any accused had been declared as a proclaimed offender.*
- (iii) *The present stage of trial/proceedings is prosecution evidence.*
- (iv) *From the statements of the parties recorded, it appears to this Court that compromise effected between the complainant and petitioner/accused is genuine and without any pressure, coercion and same has been done with the free consent of the parties.*

6. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

7. Learned counsel appearing on behalf of respondents No. 2 and 3 reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

8. The broad principles for exercising the powers under Section 482, Cr.P.C (now Section 528 BNSS) were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641'. The relevant paragraphs are extracted as under:

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any

court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case

and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the

disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

9. The Hon'ble Supreme Court has held in '**Ramgopal And Another Vs State of Madhya Pradesh**, 2021 SCC Online SC 834', that the matters which can be categorized as personal in nature or in the matter in which the nature of injuries do not exhibit mental depravity or commission of an offence of such a serious nature that quashing of which would override public interest, the Court can quash the FIR in view of the settlement arrived at amongst the parties.

10. It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

11. Although the offences under Section 106, BNS cannot be

treated strictly as an offence 'in personam' and touched upon public concerns rather than being confined to individual grievances, the Court is required to also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and bona fide settlement, the courts should consider quashing such FIR in interest of saving judicial time.

12. The circumstances in the present case, even otherwise, merit consideration. Section 106 BNS needs consideration of this Court and is thus extracted as under:-

106. Causing death by negligence

(1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Explanation.— For the purposes of this subsection, “registered medical practitioner” means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

(2) Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be

liable to fine.

13. It is evident from the above that the act, a person is accused of, should either be 'rash' or 'negligent'.

14. For an act to be 'rash', there has to be an 'element' of 'awareness' of the 'consequences' coupled with careless disregard for the same. "Negligence" on the other hand does not have an attribute of disregard but pertains to failure to take adequate precaution. Hence, the act, unto itself, did not entail any consequence.

15. The circumstances surrounding the incident depended on a lot of external circumstances as animal behaviour is unpredictable. Possibility of the buffalo turning its head towards the motor-cycle may itself be possible also due to the vehicle being too close. The contributory circumstances thus cannot be wholly disregarded. It was probably in such complexity of circumstances that the issue stands amicably resolved amongst the parties and a settlement has been arrived at.

16. The following factors further emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

i) *The petitioner has not been declared as a proclaimed offender. There is no material on record to suggest that the petitioner has indulged in any other unlawful activity.*

ii) *The petitioner is 35 years old woman and belongs to a marginalized section of the society while tethering cattle is a source of livelihood. Her socio-economic conditions would reflect on her lack of awareness of such consequences.*

- iii) *The FIR in question pertains to the year 2023 and the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.*
- iv) *In the given facts, the occurrence does not affect public peace or tranquility, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- v) *The incident in question is not a pre-meditated offence and happens to be a chance accident.*
- vi) *Continuation of the proceedings with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile waste of judicial time.*

17. In view of the report of the Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar and the principles laid down by the Apex Court in '***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another***' (2017) 9 SCC 641', the instant petition is allowed. FIR bearing No. 70 dated 03.11.2024, registered under Sections 106, BNS, 2023 Police Station Mukandpur, District SBS Nagar and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 23.12.2024(Annexure P-2).

18. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 16, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No