



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

127

CRM-M-31201-2025

Date of decision: July 1st, 2025

Shinder Pal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Nisha Rana, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner has approached this Court invoking its inherent jurisdiction under Section 528 of the BNSS seeking quashing of FIR No.32 dated 08.03.2025 under Sections 106(1) and 281 of the BNS, 2023 along with DDR No.25 dated 20.03.2025, registered at Police Station Garhshankar, District Hoshiarpur, on the basis of a compromise (Annexure P-2) entered into with respondent No.2.

2. Learned counsel for the petitioner has contended that the petitioner was not named in the original FIR and was only later implicated by respondent No.2 vide DDR No.25 dated 20.03.2025. It is further submitted that subsequent to the registration of the FIR, the matter has been amicably resolved between the parties through the intervention of respectable persons from the community. A deed of compromise to that effect has been placed on record as Annexure P-2. Learned counsel for the petitioner argues that, in view of the said compromise, continuation of criminal proceedings would serve no useful purpose and the same ought to be quashed in the interest of

justice.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Before proceeding to examine the prayer made for quashing of the FIR in question, it would be germane to extract the relevant contents of the FIR (Annexure P-1), which reads as under:

“Statement of Rakesh Kumar son of Balvir resident of Village Nangla, PS Garhshankar, Age about 43 Years, Mob. No. 82890-39974. I hereby state that I am resident of afore-mentioned address and I do labour work. On dt. 07.03.2025 at time about 09:11 AM I was present at my house and in the meantime I received information on phone that your father Balvir was going towards his stack of wood near cremation ground of Village Baura and Balero Car was coming at very high speed, whose driver rammed the car straight into your father Balvir and he fell fair distance away on North side of the road and those youths immediately stopped their Bolero Car, lifted your father, put him in car and took him to Civil Hospital Garhshankar for medical treatment. Whereupon, I and my wife Jaspreet Kaur were going to Civil Hospital Garhshankar and when we entered inside the gate of Civil Hospital in our Alto Car No. PB32-J-4146 then Bolero Car came out from there at high speed whose registration number I could not read and then I went in Emergency Ward of hospital to see my father and saw that grievous injuries were inflicted to my father Balvir at right leg, hip and on head and due to my father's serious condition doctor sahib had referred us to Hoshiarpur. Then we went to Civil Hospital but today dt. 08.03.2025 at about 03:25 AM he died during medical treatment. Driver of afore-mentioned Bolero Car has caused this accident by driving his car in a very rash and negligent manner and at wrong side and by ramming his Bolero Car into my father, which has caused death of my father Balvir son of Mehnga Ram resident of Village

Nangla, PS Garhshankar, Today dt. 08.03.2025 I inquired about said Bolero Car from the stand of Civil Hospital who disclosed the number of car as 5918 Colour white. Then I inquired about afore-mentioned Bolero Car at my own level and came to know that the registration number of afore-mentioned Bolero Car is PB10-FB-5918 Colour white and driver is Ravi son of Sarwan resident of Katwara, PS Pojewal, District Shaheed Bhagat Singh Nagar, who firstly admitted my father at Civil Hospital Garhshankar and then immediately slipped away from the spot by taking advantage of the situation. Strict legal action be taken against this driver Ravi son of Sarwan resident of Katwara, PS Pojewal, District Shaheed Bhagat Singh Nagar and justice be given to me. I have got placed dead body of my father in Mortuary, Civil Hospital Garhshankar. Statement recorded to you, read over, understood, is correct.”

5. The FIR discloses that one Balvir Singh tragically lost his life after being struck by a Bolero vehicle bearing registration No.PB10 FB 5918, which was allegedly driven in a rash and negligent manner. As per the statement of the son of the deceased, the driver of the vehicle, after hitting the deceased, transported him to the hospital but absconded thereafter. It is significant to note that the petitioner seeks to rely upon a compromise executed with respondent No.2, who is not stated to be an eyewitness to the incident and was not even present at the scene of occurrence.

6. The nature of the allegations levelled in the FIR are grave and cannot be dismissed lightly. The offence alleged is under Section 106 of the BNS//304A of the IPC (causing death by negligence). These provisions pertain to non-compoundable offences that result in the irreversible loss of human life. It is settled law that even in the

absence of *mens rea*, certain offences by their very nature and consequence fall within the category of public wrongs as opposed to private disputes.

7. In this context, it is pertinent to revisit the principle that offences involving death or grievous harm cannot be reduced to mere personal wrongs, which can be settled *inter se* the parties, as they carry a significant component of public interest. While compromise may be a relevant consideration in certain cases, particularly those of a personal nature or involving compoundable offences, the same cannot be applied indiscriminately to serious offences, which affect the social fabric and legal order.

8. The Hon'ble Supreme Court in ***Criminal Appeal No.349 of 2019*** titled as ***The State of Madhya Pradesh Versus Laxmi Narayan and others*** has laid down comprehensive guidelines governing the exercise of powers under Section 482 of the Cr.P.C./528 of the BNSS.

The relevant observations of the Hon'ble Supreme Court are as under:

"9.3 In the case of Narinder Singh vs. State of Punjab (2014) 6 SCC 466, after considering the decision in the case of Gian Singh (supra), in paragraph 29, this Court summed up as under:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. 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 the criminal proceedings even in those cases which are not compoundable, where the parties have settled the

matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions 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. Similarly, for the offences alleged to have been 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.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons

used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

14. Insofar as the present case is concerned, the High

Court has quashed the criminal proceedings for the offences under Sections 307 and 34 IPC mechanically and even when the investigation was under progress. Somehow, the accused managed to enter into a compromise with the complainant and sought quashing of the FIR on the basis of a settlement. The allegations are serious in nature. He used the fire arm also in commission of the offence. Therefore, the gravity of the offence and the conduct of the accused is not at all considered by the High Court and solely on the basis of a settlement between the accused and the complainant, the High Court has mechanically quashed the FIR, in exercise of power under Section 482 of the Code, which is not sustainable in the eyes of law. The High Court has also failed to note the antecedents of the accused.”

9. Further guidance can be found in ***P. Dharamaraj Versus Shanmugam and others 2022 LiveLaw SC 749***, wherein the Hon’ble Apex Court in paragraphs 41 and 42 observed as under:

“41. In Parbatbhai Aahir (supra), referred to by the High Court in the impugned order, a 3 member Bench of this Court again summarised the broad principles on this question in paragraph 16. Paragraph 16.6 and 16.8 to 16.10 of the decision read as follows:-

"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.

16.8. 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."

42. Thus it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.PC or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the offences are capable of having an impact not merely on the complainant and the accused but also on others."

10. In the present case, the compromise has been effected with respondent No.2, who notably, is not the direct victim but merely a relative of the deceased. The primary and real victim, Balvir Singh, has unfortunately succumbed to the alleged act. In such circumstances, the compromise between the accused and a relative, even a legal heir, cannot be treated as sufficient to extinguish criminal liability, particularly when the offence is non-compoundable in nature and entails the death of a person.

11. It is crucial to understand that criminal jurisprudence does not regard death due to negligent or rash driving merely as a civil wrong. The consequences of such conduct ripple beyond the immediate family of the victim, affecting the general public's sense of safety and trust in the enforcement of law. A message must not go out that criminal prosecutions can be rendered negatory merely by private settlements, especially in cases where valuable human life is lost.

12. In view of the above legal position and the facts of the present case, this Court finds no justifiable reason to invoke its inherent jurisdiction under Section 528 of the BNSS to quash the FIR in question.

13. The offence alleged is serious, non-compoundable, and not amenable to being quashed solely on the basis of a compromise between the petitioner and the relative of the deceased. The law does not countenance a substitution of judicial accountability with private settlements in such grave matters.

14. Accordingly, the instant petition being devoid of merit, stands dismissed.

15. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 1st, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes