

2026:PHHC:038956



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Date of decision: 12.03.2026

Rahul Kumar and anr.

..... Petitioner(s)

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Jaiveer Singh, Advocate, with
Mr. Yash Giri, Advocate,
with Mr. Mohit Siwaich, Advocate
for the petitioner(s).

Ms. Geeta Rani, AAG, Haryana.

Mr. Ravi Danghi, Advocate, Advocate,
for the complainant/respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for quashing of FIR No.0533 dated 12.11.2024 (Annexure P-1) under Section 105, 3(5), 324(4) of BNS, 2023 registered at Police Station City Palwal, District Palwal and all subsequent proceedings arising therefrom on the basis of compromise dated 07.05.2025 (Annexure P-3).

2. The brief facts of the case are that the present FIR came to be registered at the instance of Laxman and reads as under:-

To the SHO, Police Station City Palwal, Subject: Application for taking legal action against the accused persons 1. Adani Gas employees 2. PWD employees and JCB driver for causing



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death due to negligence. Sir, I request that I am Laxman son of late Shri Jagdish, resident of Shiv Vihar Colony, Palwal. My elder brother Harish Chand was running a small tea shop adjacent to Jain Battery on the old GT Road, which was the only support for the family's livelihood. Adani Gas Company's underground PNG gas pipeline is also laid in front of the tea shop, along with which PWD's water pipeline was also lying and due to leakage in the water pipeline water was leaking for 2-3 days, to repair which PWD employees and Adani Gas employees had come to the spot from 11.12.2024 i.e. yesterday afternoon. When PWD employees started digging the water pipe with JCB, Adani Gas employees told that there is no PNG gas pipeline at the place where they are digging. You can dig comfortably. Today on 12.11.2024, since morning, employees of PWD and ADANI GAS were digging water pipes with JCB. At 12.30 pm, while digging the pit, there was an explosion in the PG pipeline of Adani Gas and a fire broke out. The fire spread to the shop of my brother Hari Chand. I had come to give food to my brother at the same time when I saw the incident that my brother tried to get out of the shop but due to the goods kept by Jain Battery people, my brother could not get out of the shop and fell into the pit dug in front of the shop which was on fire. I and the people in the neighborhood shouted for help but the employees of Adani Gas did not have any equipment to extinguish the fire. And the fire kept burning in the gas line for about 2 hours which spread to the entire shop when the JCB driver left the JCB and ran away with other workers. The fire brigade vehicle arrived at the spot and extinguished the fire in the pipeline but by then my brother Hari Chand had died due to falling in the pit and getting burnt in the fire and suffocation. My brother Hari Chand has 4 children. He is a very poor



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person. He is a man who has 2 unmarried children. He was the only support of his family. The above accident happened due to the mistake and negligence of PWD employees, JCB driver and employees of ADANI GAS who despite knowing that there is a flammable PNG gas line lying below, caused this accident by working carelessly without any guidance from any higher authorities and without any fire-fighting equipment and safety equipment. Strictest action action should be taken against the culprits. Applicant Laxman.

3. The learned counsel for the petitioner contends that pursuant to the registration of the FIR, a compromise (Annexure P-3) has been arrived at between the parties. The statements of both the sides have been recorded with respect to the said compromise. Certain payments have also been made in furtherance of the compromise. He, therefore, prays that the FIR (Annexure P-1) and all consequential proceedings arising therefrom be quashed. Reliance is placed on '***Pawan Kumar @ Pawan versus State of Haryana and another (CRM-M-7625-2024 decided on 11.03.2025), Karamjit Dhaliwal @ Karamjit Singh @ Karam @ Kamal versus State of Punjab and others 2025 NCPHHC 56015, Amrik Singh Gill versus U.T., Chandigarh and ors. (CRM-M-8847-2023 decided on 23.11.2023), Sikander Yadav and another versus State of Haryana and others (CRM-M-55259-2019 decided on 24.02.2023), Gulshan Kumar and others versus State of Punjab and another (CRM-M-28851-2023 decided on 23.04.2024) and Ashok Kumar @ Shoka versus State of Punjab and others (CRM-M-41803-2021 decided on 10.11.2022)***'.



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4. The learned counsel for the State, on the other hand, contends that as the offence is under Section 304-A IPC (Section 106-A BNS), the same cannot be quashed on the basis of a compromise. Reliance is placed on the judgments in '**Baldev Singh versus State of Punjab and anr. 2016(3) Law Herald 2020, Rajesh Kumar versus State of Punjab and others (CRM-M-45935-2022 decided on 30.09.2022), Sukhwinder Singh @ Jassi @ Dhatu versus State of Punjab and others 2024 NCPHHC 108209 and Pardeep Kumar Tomar and another versus State of Haryana and another CRM-M-24420-2023 decided on 19.02.2026**'.

5. The learned counsel for the complainant-respondent No.2 while supporting the averments made on behalf of the petitioners contends that a compromise has indeed been arrived at and he has no objection if the FIR in question and all the consequential proceedings arising therefrom are quashed on the basis of the said compromise.

6. I have heard the learned counsel for the parties.

7. The Division Bench of this Court in the case of **Baldev Singh versus State of Punjab and anr. 2016(3) Law Herald 2020** held as under:-

20. To say that Courts should not hesitate to intervene in favour of the accused in such cases is indeed a dangerous proposition with a potential to provide an impetus to a proclivity on the part of the drivers to continue with their rash and negligent act buoyed by the thought that they would get away with the crime by affording sufficient compensation to the victim's legal representatives. Once it has been authoritatively held by the Supreme Court that even grant of compensation under Section 357 (3) Cr.P.C. is not to be regarded as a mitigating



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circumstance to reduce the sentence imposed and neither can it be a substitute for an adequate sentence in all cases, it cannot be held that in cases where the matter is settled with the legal heirs of the deceased by giving adequate compensation, the proceedings should be quashed.

21. Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304A the victim is obviously not present to settle the matter. To permit a legal representative or legal heir to compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted. To quash the proceedings under Section 304A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative, undoubtedly has the authority to file an appeal or receive compensation.

22. However, it is trite to mention that the power of the High Court under Section 482 Cr.P.C. can nevertheless be exercised in appropriate matters where it is felt that a prima facie case is not made out in consonance with the settled principles of law. There can indeed be no fetter on this power to act for securing the ends of justice or to prevent the abuse of process of law. However this observation for a moment is not to be construed as taking the possibility of a conviction being bleak due to settlement, to be a relevant factor for quashing the FIR under Section 304A I.P.C. Reference is thus answered in the negative



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as there can be no quashing of an offence registered under Section 304A and subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused.

8. In ***Rajesh Kumar versus State of Punjab and others (CRM-M-45935-2022 decided on 30.09.2022)***, this Court held as under:-

3. A division Bench of this Court in Baldev Singh v. State of Punjab & Anr. reported as 2016(3) Law Herald 2020 had observed as under:-

"This petition has been filed for quashing of FIR No. 173 dated 11.12.2013 under Sections 279, 304A, 427 IPC registered at Police Station Sadar Sangrur as well as subsequent proceedings on the basis of compromise/settlement arrived at between the accused petitioner with respondent No.2 who is brother of the deceased-Balbir Singh. When the learned Single Judge was seized of the matter, it was felt with reference to the judgment of the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another 2012 (4) RCR (Criminal) 543 that the offence under Section 304A IPC neither falls in the category of cases which cannot be quashed on the basis of settlement nor the ones which can be so allowed . The question formulated for consideration of a larger Bench was whether the crime registered under Section 304 A IPC can be quashed on the basis of compromise arrived at by the legal heir/legal representative of the victim/deceased with the offender.

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15. The offence under Section 304A IPC presents a situation where the victim has lost his life in an accident. The legal representatives of the deceased may enter into a compromise with the accused for considerations best known to them, but to say that an offence under Section 304A is private in nature is wholly incorrect. It is an offence which impacts society as a whole with its ripples



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casting their net far and wide, permeating to the very core.

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21. Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304A the victim is obviously not present to settle the matter. To permit a legal representative or legal heir to compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted. To quash the proceedings under Section 304A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative, undoubtedly has the authority to file an appeal or receive compensation."

4. A perusal of the same would show that in a case where the FIR is registered under Section 304A IPC amongst other sections, the FIR cannot be quashed in a petition under Section 482 Cr.P.C. on the basis of compromise.

9. In ***Sukhwinder Singh @ Jassi @ Dhatu versus State of Punjab and others*** 2024 NCPHHC 108209, this Court held as under:-

12. Offences under Section 304A of the IPC/Section 106(1) of the BNS cannot be considered private in nature due to their significant societal impact. The absence of mens rea does not lessen the severity of causing death through rash and negligent acts. These offences are distinct from private civil disputes like matrimonial or family disputes etc. Allowing the compounding of the offences post the conviction of the petitioner could



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encourage reckless behaviour by suggesting that criminal liability can be still avoided even after the prosecution is able to prove its case against an accused beyond reasonable doubt. The aforesaid position was re-enforced by a Division Bench of this Court in Baldev Singh v. State of Punjab 2016 (164) AIC 307, wherein it has been held as under:-

"18. In the facts and circumstances of the case it would indeed be paradoxical and incorrect to hold that the offence under Section 304-A is private in nature. Its serious impact on society is not subject to understatement. When a person or persons lose their life/lives due to the rash and negligent act of the accused, the question of mens rea or intention in such a situation pales into insignificance. The wrong cannot be termed to be private or personal in nature like offences arising out of matrimony, relating to dowry etc., family disputes or criminal cases having overwhelmingly and predominantly a civil flavour like commercial, financial, mercantile, civil or partnership matters.

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20. To say that Courts should not hesitate to intervene in favour of the accused in such cases is indeed a dangerous proposition with a potential to provide an impetus to a proclivity on the part of the drivers to continue with their rash and negligent act buoyed by the thought that they would get away with the crime by affording sufficient compensation to the victim's legal representatives. Once it has been authoritatively held by the Supreme Court that even grant of compensation under Section 357 (3) Cr. P.C. is not to be regarded as a mitigating circumstance to reduce the sentence imposed and neither can it be a substitute for an adequate sentence in all cases, it cannot be held that in cases where the matter is settled with the legal heirs of the deceased by giving adequate compensation, the proceedings should be quashed.

21. Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304-A the victim is obviously not present to settle the matter. To permit a legal representative or legal heir to



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compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted. To quash the proceedings under Section 304-A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative, undoubtedly has the authority to file an appeal or receive compensation."

13. Consequently, the settlement/compromise arrived at between the petitioner and the family of the deceased cannot be a ground for compounding the offences in the present case. Such a compromise is legally untenable and contrary to the objectives of justice, as it effectively disregards the rights of the true victim i.e. the deceased. It needs to be emphasized that the law mandates that in serious offences, like the one in the instant case, the focus must remain upon upholding justice and ensuring accountability, rather than allowing compromises and settlements between the parties to undermine the rule of law.

10. In ***Pardeep Kumar Tomar and another versus State of Haryana and another CRM-M-24420-2023 decided on 19.02.2026***, this Court held as under:-

9. Indubitably, from the material placed on record, it emerges that the incident in question occurred at a workplace involving shuttering and structural activity, where two labourers have lost their lives after allegedly falling from a beam. The gravamen of the allegations in the impugned FIR and the final report under Section 173 Cr.P.C. is that proper safety measures were not ensured at the site which resulted in the fatal accident. The determination of the role of the petitioners, the nature of their duties and whether there was any omission amounting to criminal negligence are matters which require appreciation of



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evidence during trial. The primary ground urged seeking quashing of the impugned FIR as well as charge-sheet alongwith the consequential proceedings, is on the basis compromise between the petitioners and respondent No. 2. Learned counsel for the petitioners has argued that once the entire matter has been settled, there would be no fruitful purpose would be served by allowing the proceedings to continue. It is settled law that the inherent powers of this Court under Section 482 Cr.P.C. are to be exercised sparingly and with caution. The offence under Section 304A of IPC is not merely between the accused and the complainant but have a direct nexus with public safety. The acceptance of a compromise in such matters would be contrary to the larger public interest. The Hon'ble Supreme Court in State of Madhya Pradesh v. Laxmi Narayan (supra) has held that offences which have serious impact on Society cannot be quashed merely on the basis of compromise between the parties. The said judgment, rather than supporting the case of the petitioners, reinforces the principle that the Court must consider the nature and gravity of the offence and its societal impact.

10. The contention that certain accused have been placed in Column No.II does not ipso facto entitle the petitioners to similar relief in proceedings under Section 482 Cr.P.C. The plea that the petitioners were contractual employees and had no role in the alleged negligence is essentially a defence which can be examined only on the basis of evidence before the trial Court. Furthermore, the payment of compensation or financial assistance to the families of the deceased cannot be treated as a ground for quashing criminal proceedings arising out of an offence under Section 304A IPC. Indubitably, the impugned FIR pertains to the death of Om son of Mohan Singh and Rampal,



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who, of-course, cannot possibly be a party to the compromise. This Court is of the considered view that the compromise between the petitioners and respondent No. 2 does not efface the allegations relating to criminal negligence resulting in death, nor does it render the continuation of the prosecution an abuse of the process of law.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand; seeking quashing of FIR No. 0392 of 2021 dated 07.10.2021 registered under Sections [304A](#) of the Indian Penal Code, 1860, at Police Station Ferozepur Jhirka, as also the chargesheet dated 24.10.2021 (Annexure P-2) alongwith the consequential proceedings emanating therefrom on the basis of a compromise deed dated 09.05.2023; is dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the concerned Court shall proceed further, in accordance with law, without being influenced with the same.
- (iii) Pending application(s), if any, shall also stand disposed of.

11. As regards the judgments in **Pawan Kumar @ Pawan (supra)**, **Karamjit Dhaliwal @ Karamjit Singh @ Karam @ Kamal (supra)**, **Amrik Singh Gill (supra)**, **Sikander Yadav and another (supra)**, **Gulshan Kumar and others (supra)** and **Ashok Kumar @ Shoka (supra)** relied upon by the petitioners, none of them have considered the Division Bench Judgment of this Court in **Baldev Singh versus State of Punjab and anr. (supra)**, wherein it has been categorically held that an offence under Section 304-A IPC (Section 106-A BNS) cannot be quashed on the basis of a compromise. Therefore, the said judgments are clearly *per*



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incuriam and cannot be relied upon for quashing of the FIR on the basis of a compromise.

12. In view of the above, I find no merit in the present petition and therefore, the same stands dismissed.

13. Needless to say that the petitioners would be at liberty to file a fresh petition for quashing on merits, if so advised.

14. The pending application(s), if any, shall stands disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

March 12, 2026
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No