



CRM-M-72608-2025

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

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Sandeep Kumar

...Petitioner

V/s

State of U.T. Chandigarh and others

...Respondents

Date of decision: 23.03.2026**Date of Uploading : 24.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Anil Shukla, Advocate for the petitioner.

Mr. Ganesh K. Sharma, Addl. P.P. U.T. Chandigarh

SUMEET GOEL, J. (Oral)

1. The present petition has been preferred by the accused under Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023 seeking quashing of the FIR No.53 dated 31.07.2024 registered under Sections 106, 125, 281 of BNS, 2023 at Police Station Sector – 49, Chandigarh, on the basis of compromise deed dated 23.09.2024 (copy whereof is appended as Annexure P-2 with the present petition).

2. The case of the petitioner, as set out in the petition, is that the FIR *ibid* came to be registered on account of a road traffic accident occurred near the Sports Complex, Sector 50/51, Chandigarh involving a Fortuner car and i20 car being driven by the petitioner. As per the version recorded by the police on the basis of information received from the hospital and subsequent inquiry, the petitioner was allegedly driving the i20 vehicle on the wrong side of the road and collided head-on with the Fortuner. As per



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injuries and one Vijay Kumar, aged about 82 years succumbed to injuries during the course of treatment at GMCH, Sector 32, Chandigarh. On the basis of the circumstances, medical opinion and statements recorded during the course of investigation, it was found that on account of the act of the petitioner, who is driving the car rashly and negligently which endangered the human life has resulted in death.

3. Learned counsel for the petitioner has iterated that the accident in question has occurred due to heavy rain and not on account of negligence attributable to either party. Learned counsel has further iterated that both the petitioner and respondent No. 2 has mutually agreed not to initiate any criminal proceedings and have subsequently entered into a compromise resolving their disputes amicably. Learned counsel has further submitted that a compromise has already been entered into between the petitioner and the FIR-complainant on 28.08.2024, relevant whereof reads as under:

“Whereas, on 30-07-2024, an accident occurred between Sandeep Kumar’s car No. CH01CL3390 and Amanjot Singh’s car No. CH-01-BX1122 within the jurisdiction of Sector -49 Police Station and the accident occurred all of a sudden because of heavy rain regarding which none of parties filed any complaint or statement with the police in the police station regarding this. However, the police party of Police Station Sector 48/49 registered an FIR No.53 dated 31-07-2007 on their own accord in the absence of the parties. The abovesaid accident did not occur due to the negligence of either party. This accident occurred suddenly because of heavy rain, which neither party was at fault. In this accident, Mr. Vijay Kumar, father of Sandeep Kumar, passed away. Now, both parties do not wish to pursue any civil or criminal proceedings against each other and both parties will submit an application to quash FIR No.53 and will also inform Police Station Sector 48-49 regarding this settlement.”



Learned counsel has, thus, iterated that the impugned FIR has been registered on account of some mistaken belief and the said issue has since been resolved between the parties and in order to keep peace as also harmony, the parties do not wish to continue the proceedings, including the impugned FIR. Learned counsel has further urged that no useful purpose would likely be served by allowing the criminal prosecution to continue against the petitioner. On the strength of these submissions, the grant of petition in hand is entreated for.

4. Learned counsel appearing for the U.T. Chandigarh has opposed the present petition and submits that the instant FIR pertains to a serious road accident which resulted in the death of one Vijay Kumar i.e. father of the petitioner. Learned counsel submits that the offences invoked, particularly under Section 106 BNS (causing death by negligence), are not merely private in nature but have a serious impact on society at large. It has been further contended that the criminal law has been set into motion upon receipt of medico-legal information and subsequent inquiry conducted by the investigating agency which *prima facie* reflect that the petitioner was driving the vehicle on the wrong side which led to the collision. It has been further submitted that the compromise between private parties cannot absolve criminal liability in such offences involving loss of human life. Learned State counsel has further submitted that in a case pertaining to an offence under Section 106 of the BNS (Section 304-A of the IPC), the deceased individual is the real victim and hence any compromise or settlement reached with the family members or legal heirs of the deceased victim, cannot operate to absolve the offender, nor should it be construed as



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a mitigating factor, sufficient, to warrant the quashing of such an FIR, on the basis of compromise. Learned State counsel has placed reliance upon the dicta passed by the Hon'ble Supreme Court in ***Daxaben Vs. State of Gujarat & Others, (2022) AIR Supreme Court 3530***, and conceded that while the said dicta pertains to an offence under Section 108 of BNS (Section 306 of the IPC), however, by way of corollary, the underlying principle as laid down in Daxaben (supra) will be extended and applied analogously to an offence under 106 of BNS (Section 304-A of the IPC), also. Furthermore, relying upon the dicta, passed by a Division Bench of this Hon'ble Court passed in ***CRM-M-40769-2024***, titled as ***Baldev Singh Vs. State of Punjab and another***, decided on 02.06.2016, it has been submitted by the learned State counsel that given the gravity and fatal consequences inherent in an offence under Section 106 of the BNS (Section 304-A of the IPC), the same cannot be classified as one that is merely private in nature and thus eligible for quashing on the basis of compromise. Concluding his submissions, the learned State counsel has submitted that quashing an FIR pertaining to an offence under Section 106 of the BNS (Section 304-A of the IPC), on the basis of compromise/settlement is not in consonance with the settled jurisprudence governing the domain of quashing criminal proceedings on the basis of compromise/settlement.

5. None has caused appearance on behalf of respondent Nos.2 to 4 despite service.

6. I have heard learned counsel for the rival parties and have perused the record.



7. Before proceedings further with the matter, it would be apposite to refer herein to a judgment passed by this Court titled as ***Satnam Singh vs. State of Punjab and another*** = **2025:PHHC:162281**, relevant whereof reads as under:

“7. The issue that arises for consideration in the present petition is as to whether the impugned FIR registered under Sections 304-A & 279 of the IPC and proceedings arising therefrom, including the judgment of conviction dated 04.04.2024 passed by learned JMIC, deserve to be quashed.

The seminal legal issue that arises for consideration is as to whether an FIR (as also proceedings emanating therefrom) under Section 304-A of IPC/Section 106 of the Bharatiya Nyaya Sanhita, 2023 can be quashed on the basis of compromise/settlement.

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10. The conventional view, premised upon the statutory framework, was that criminal offence(s) could be settled only by way of compounding, as per the provisions of Section 320 of the Cr. P.C., 1973 (now Section 359 of BNSS, 2023). In ordinary parlance, “compounding” is known as “compromise” or “settlement”. This expression is ordinarily understood as condoning a felony in exchange for repatriation received by the victim-complainant from the felon. In other words, no compounding/compromise of a criminal offence could be permitted by the Court, except for an offence which met with the rigours of Section 320 of Cr.P.C. Therefore, the question arose whether the High Court, by exercising its plenary/inherent jurisdiction, under Section 482 of Cr.P.C., could quash ongoing FIR/criminal proceedings, on the basis of compromise/settlement having been arrived at between the rival parties, pertaining to the offences which do not fall within the ambit of ‘compoundable’.

10.1. Before proceeding further, it would be germane to delve into the nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973.

10.2. Inherent powers of the High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words, such power(s) is intrinsic to the High Court, as it is its very life-blood, its very essence, its immanent attribute. Without such power(s), the High Court would have



*form but lack the substance. These powers of the High Court, hence, deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of the High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which, in fact, arise. The High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The maxim, namely, “**quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa, esse non potest**” (when the law gives anything to anyone, it also gives all those things without which the thing itself cannot exist) also signifies that the inherent powers of the High Court are all such powers which are necessary to do the right and to undo a wrong in the course of administration of justice. Further, the maxim “**ex debito justitiae**” stipulates that such powers are given to do real and substantial justice, for which purpose alone, the High Court exists. Hence, the powers under Section 482 of Cr. P.C., are aimed at preserving the inherent powers of a High Court to prevent abuse of the process of any Court or to secure the ends of justice. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of the High Court; to uphold, to protect and to fulfill the judicial function of administering justice, in accordance with the law, in a regular, orderly and effective manner. In other words; Section 482 of Cr. P.C. reflects peerless powers, which a High Court may draw upon as necessary, whenever it is just and equitable to do so; in particular, to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice nay substantial justice between the parties and to secure the ends of justice.*

10.3 The above principle(s), in context of provisions of Section 482 of Cr. P.C, 1973, would apply with complete vigour, to the provisions of Section 528 of BNSS 2023 as well, since there is no alteration in the wording of these two provisions.

*11. The Hon’ble Supreme Court in the case of **Gian Singh** (supra) has enunciated that the powers of the High Court for quashing of criminal*



*proceedings on the basis of settlement are materially different from compounding of offence in terms of Section 320 of Cr. P.C. (Now Section 359 of BNSS, 2023) as a Court while exercising power under Section 320 of Cr. P.C. (Now Section 359 of BNSS, 2023) is circumscribed by the statutory provision but the High Court may proceed to quash a criminal offence/criminal proceedings if the ends of justice justify exercise of such power. It was thus held that the criminal cases having overwhelmingly and predominantly civil flavor; offences arising out of matrimonial dispute; offences arising out of family dispute as also offences which are basically private or personal in nature, could be quashed by the High Court in case the parties have resolved their entire dispute(s). Further, the Hon'ble Supreme Court in the case of **Narinder Singh** (supra) has held that the possibility of conviction being remote and bleak, whereas continuation of the criminal case putting the accused to oppression and prejudice & the parties being put to general inconvenience, as also prejudice could be considered as factors by the High Court, while examining a plea for quashing of criminal proceedings on the basis of settlement/compromise. To the same effect is the dicta of the judgment of three Judge Bench of the Hon'ble Supreme Court in the case of **Parbatbhai Aahir** case (supra). Further, a three Judge Bench of the Hon'ble Supreme Court in a judgment of **Laxmi Narayan** case (supra) reiterated the principles laid-down in cases of **Gian Singh** (supra), **Narinder Singh** (supra) and **Parbatbhai Aahir** (supra).*

11.1. It is, thus, unequivocal that the plenary powers vested in a High Court, by virtue of its very constitution, are to be exercised with circumspection and in a manner befitting judicial propriety. The invocation of inherent jurisdiction must serve the ends of justice, necessitating a holistic evaluation of all the attendant circumstances. The criminal justice system is not merely a forum for resolving interpersonal disputes; it embodies the sovereign obligation of the State to safeguard the fundamental rights of its citizens, including the protection of life, liberty, and property. In adjudicating petitions seeking quashing of criminal proceedings on the basis of a purported compromise between the parties, the court must transcend the immediate assertions of harmony. While the absence of current grievances between parties may be a material consideration, it cannot be the determinative criterion. The court is duty-bound to scrutinize the gravity of the allegations, the nature of the offences, and their ramifications on the public order and societal welfare. This judicial responsibility is accentuated in cases involving heinous or



egregious offences, where the broader societal interest outweighs private settlements. Compromising such cases on the ground of mutual accord risks undermining the public confidence in the justice delivery system and jeopardizing the larger interest of law enforcement.

11.2. The aureate enunciation of law, by the Hon'ble Supreme Court in above judgments, essentially points out that the prime factors for consideration of quashing of FIR/criminal proceedings on the basis of compromise/settlement is that the dispute/offence is essentially private in nature; continuation of criminal proceeding would be an exercise in futility as its fate-accomplish is known; pendency of such proceedings would be an undesirable burden on the police/prosecution as also the Courts, which are already struggling hard to manage the ever increasing and unmanageable docket and/or such quashing would ensure the ends of justice.

12. The basic and essential edifice of a plea seeking quashing of FIR/criminal proceedings, on the basis of compromise, is the consent of the victim. In other words, the consent on the part of the victim for compromise/settlement of FIR/criminal proceedings is sine-qua-non for such petition to succeed.

12.1. For an extended period of time, criminal jurisprudence was, by and large, acquisitive, placing the crime and criminal act at its epicenter. The jurists have preoccupied themselves with the rights and safeguards concerning the accused, concomitantly, the victim, i.e. the de facto and real sufferer whose very misery put the criminal law into motion, remained a forgotten figure. Conscious of this critical lacunae in the criminal justice administration system, J. Krishna Iyer, rendered the following seminal observation:

“It is a weakness of our jurisprudence that the victims of crime, and the distress of the dependents of the prisoner, do not attract the attention of the law. Indeed, victim reparation is still the vanishing point of our criminal law. This is a deficiency, which must be rectified by the legislature.”

-(J. Krishna Iyer;

*Vide (para 9) **Rattan Singh Vs. State of Punjab, (1980) AIR Supreme Court 84**).*

Until recently, a victim was rendered almost entirely passive, relegated to the periphery of judicial process and compelled to remain an outsider, mute spectator, with virtually no substantive role in the prosecution of criminal trial. With the development of ‘victimology’ as a



distinct and vital domain of jurisprudence, a transformative shift has occurred. Unfolding with the coinage of the term 'victimology' by Benjamin Mendelsohn in 1947, this evolution reflects a belated acknowledgment of a victim's inherent right to participate and have a meaningful voice in the prosecution of a criminal trial. In recognition of this evolving jurisprudence, seminal amendments were introduced to the Cr.P.C., 1973, vide Cr.P.C. (Amendment) Act, 2008, resulting into insertion of Section 2(wa) which defines a victim' and various other provisions (such as Section 24(8) and proviso to Section 372, etc.), thereby, giving statutory recognition to the rights evolved in favour of a victim. Pertinently, a victim can no longer be relegated to the periphery or rendered a forgotten entity once the machinery of criminal law has been set into motion. The terminus of criminal justice system must transcend beyond the mere safeguarding of rights of an accused and must encompass the preservation and effective vindication of the rights of a victim. The law must adopt an equipoise approach, harmoniously balancing the competing interests of the accused and the victim. It is a bounden duty of the courts of law to ensure that justice embraces the injured and afflicted. Jurisprudentially, the guarantee under Article 21 embraces both the life and liberty of the accused as well as interest of the victim, his near and dear ones as well as of the community at large and therefore cannot be alienated from each other with levity. As an age-old adage, which has met with approval by the Hon'ble Supreme Court, reads thus:

"We cannot remain oblivious to the substantial suffering of the victims. It stands as a fact that criminal justice reform and civil rights movement in India has historically only paid considerable attention to the rights of the accused and neglected to address to the same extent the impact of crime on the victims. It is not only the victims of crime only that require soothing balm, but also the incidental victims like the family, the co-sufferers and to a relatively larger extent the society too. The judiciary has a paramount duty to safeguard the rights of the victims as diligently as those of the perpetrators."

With impunity, a further reference in this regard can be made to an observation made by J. F.M. Ibrahim Kalifulla, in a Five judge Bench dicta of the Hon'ble Supreme Court, which reads as under:



“...While considering the problem of penology we should not overlook the plight of victimology and the sufferings of the people who die, suffer or are maimed at the hands of criminals.”

-(J. F.M. Ibrahim Kalifulla;

*Vide (para 72) **Union of India Vs.V. Sriharan @ Murugan &Ors., (2016) 7 SCC 1)***

13. Conceptually; FIR-complainant/informant is different from victim, though, in a given case, they may be same person. In a case pertaining to an offence, as a result whereof a death has occurred, it is the deceased who is the real victim. In such a case, the surviving family members of the deceased including the spouse/parents/children/guardian/care-giver etc. nay the FIRcomplainant/informant cannot adorn the mantle of primary victim for purpose of settlement/compromise. The jurisprudential foundation for quashing criminal proceedings on the basis of a compromise, rests upon the absence of grievance by the victim, against the accused. In offence under Section 304-A of the IPC/Section 106 of BNS involving death due to rash and negligent act/ driving, the primary victim is the deceased, whose demise is directly attributable to the accused's alleged rash and negligent act/ driving. The deceased, being the primary aggrieved party (i.e. the real victim), is no longer capable of expressing consent or grievance, rendering any compromise with the informant or complainant incongruous with this foundational principle. A settlement between the accused and the complainant, who merely initiated the criminal process, fails to satisfy the underlying rationale for such a quashing to succeed. It disregards the irreversible harm inflicted upon the deceased and the broader societal interest implicated in crime(s) of this gravity. Thus, permitting quashing in such instances undermines the rule of law and trivializes the serious nature of the offence, warranting judicial circumspection and restraint.

13.2. A pertinent issue which craves attention of this Court is the probable erosion of judicial integrity when criminal proceedings, particularly involving grave and serious offences (such as Section 304-A IPC/Section 106 BNS), are quashed solely on the basis of a compromise/settlement, having been arrived at between rival parties. This practice of entering into compromise, more often than not, involves pecuniary consideration; preferred as reparation or compensation to the victim's family; creates deeply deleterious impact on the societal psyche that the criminal justice system is available for commodification. Such a scenario suggests that penal absolution is a purchasable commodity,



thereby, implying that serious public wrongs, in which society as a whole has stakes, can be put to naught by the accused person's financial capacity. Such an outcome is antithetical to the Rule of Law, which demands that the severity of a crime and penal consequences must remain insulated from the private financial arrangements of the parties, thereby, maintaining public confidence in the impartiality and deterrent efficacy of the justice delivery system. The law, being a guarantor of equity and fairness, cannot afford to be subjugated to the influence of wealth, lest it compromise its sacrosanct essence and institutional integrity. The inherent powers of this Court, ought not be employed for privatization of criminal liability. An old age adage reads thus:

“Why in history has everyone always focused on the guy with the big stick, the hero, the activist, to the neglect of the poor slob who is at the end of the stick, the victim, the passivist – or maybe, the poor slob (in bondages) isn't all that much of a passivist victim – maybe he asked for it?”

14. The Hon'ble Supreme Court in the case of **Daxaben** (supra) has held that an FIR/criminal proceedings qua an offence under Section 306 of the IPC cannot be quashed on the basis of compromise/settlement since such an offence falls in the category of heinous and serious offences and is to be treated as crime against the Society and not against an individual(s). To the same effect is the dicta of the Division Bench of this Court in **Baldev Singh**'s case (supra) wherein; dealing with a FIR under Section 304-A of the IPC; this Court has held that there can be no quashing of an offence registered under Section 304-A of the IPC and subsequent proceedings emanating therefrom, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused. This Court must sound a word of caution herein, viz., a plea for quashing an FIR under Section 304-A of the IPC/ Section 106 of the BNS, filed solely on the basis of merits thereof is very much maintainable and ought to be considered and ratiocinated upon merits thereof.

15. As a result of above-said rumination, it is clear nay crystal clear that an FIR (as also proceedings emanating therefrom) under Section 304-A of the IPC/Section 106 of the BNS cannot be quashed on the basis of a compromise/settlement arrived at between the accused on one hand and FIR complainant/informant/surviving family of the victim (including spouse/parents/children/guardian/care-giver etc.) on the other hand. Even if credence is sought to be lend to such a compromise/settlement, by



way of raising plea(s) on merits, including the plea that the offence of Section 304-A of the IPC /Section 106 of the BNS is not made out in the facts/circumstances of a given case, still such petition ought to be rejected.”

8. The petition in hand has been filed for quashing of FIR No.53 dated 31.07.202 registered under Sections 106, 125, 281 of BNS, 2023 as also the proceedings subsequent thereto, on the basis of compromise deed dated 28.08.2024 (copy whereof is appended as Annexure P-2 with the present petition) which, in essence pertains to death of one Mr. Vijay Kumar, father of the petitioner. Learned counsel for the petitioner has argued that once the entire matter has been settled, there would be no fruitful purpose served by allowing the proceedings to continue. It has been argued that the compromise in question is in the interest of all the concerned and hence it would met the ends of justice if the *impugned FIR* etc. are quashed. Indubitably, *res ipsa loquitur* in the *impugned FIR* pertains to the death of one Mr. Vijay Kumar, he cannot be a party to the compromise.

9. The material collected during the course of investigation, as reflected in the FIR itself, indicates that the petitioner was allegedly driving the vehicle on the wrong side which resulted in collusion. The contention of the petitioner that no complaint has been lodged by respondent No. 2 and the FIR was registered *suo motu* by the police does not advance the case of the petitioner. It is well settled that in cases of accidental deaths, particularly those arising out of motor vehicle accidents, the police is duty-bound to register an FIR upon receipt of medico-legal information and conduct an investigation, irrespective of whether a formal complaint is made by any individual.



10. In view of the discussion in law and facts hereinabove, the petitioner has committed a grave offence under Section 304-A IPC/106 of BNS which cannot be quashed on the basis of compromise/settlement arrived between the parties keeping in mind the jurisprudence on compromise quashing as well as the view taken in *Satnam Singh* case (**supra**) by this Court. Thus, the petition in hand ought not to be entertained and deserves rejection.

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

- (i) The petition in hand; seeking quashing of FIR No.53 dated 31.07.202 registered under Sections 106, 125, 281 of BNS, 2023 as also the proceedings subsequent thereto, on the basis of compromise deed dated 28.08.2024 (copy whereof is appended as Annexure P-2 with the present petition); is dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the Court below shall proceed further, in accordance with law, without being influenced with the same.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 23, 2026
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No