



2025:PHHC:172710



CRM-M-67238-2025

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

CRM-M-67238-2025

Anmol

V/s

...Petitioner

State of Haryana and others

...Respondents

Reserved on: 09.12.2025

Date of decision: 11.12.2025

Date of Uploading: 11.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sahil Gupta, Advocate for
Mr. Hemant Hans, Advocate for the petitioner.
Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

SUMEET GOEL, J.

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.187 dated 04.09.2025 registered under Sections 281, 125(a), 106 of BNS, 2023 at Police Station Jathlana, District Yamuna Nagar; as also the proceedings subsequent thereto, on the basis of compromise deed dated 14.11.2025 (copy whereof is appended as Annexure P-2 with the present petition).

2. The gravamen of the impugned FIR is that complainant namely Mumrez Khan (respondent No.2 herein) stated that he and Rasid (since deceased) lived together and worked as labourers. On 03.09.2025 at about 04:30 PM, the said Rasid alongwith Asad (nephew of Munrez Khan – complainant) were riding a motorcycle bearing No.HR92B8752



accompanied by the complainant and his acquaintance Ehsan on another motorbike. When they reached near the godown of Bharat Gas Agency, a Hero Super Splendor bearing No.HR02H8438, driven negligently by an unknown person hit the motorcycle of deceased Rasid. On account of the impact, Rasid son of Kuma, resident of village Gumthala, District Yamuna Nagar and Asad son of Salim resident of village Mohdi, fell unconscious due to the injuries sustained. They were immediately taken to the Civil Hospital, Yamuna Nagar for treatment but Rasid succumbed to his injuries *en route*. Based on these set of allegations, the impugned FIR was registered.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the impugned FIR. Learned counsel has further submitted that a compromise has been entered into between the petitioner and the FIR-complainant on 14.11.2025, relevant whereof reads as under:

“1. That as per the compromise, the first parties do not want to initiate any legal action against the second party in the above-mentioned case no. 187/2025 and it has also been decided in the compromise that the first parties will be bound and responsible to get the above-mentioned case cancelled by appearing in the Hon'ble Court and giving statement etc. in favour of the second party.

2. That in the spirit of this compromise, the first parties will be bound to get the above mentioned case No. 187. dated 04-09-2025 under sections 281, 125 (A), 106 BNS quashed at Police Station Jathlana, District Yamuna Nagar and if for getting the said case quashed, if there is a need to file statement etc. before the Honorable High Court or any competent authority, then the first parties will be bound or responsible to get the said case dismissed/quashed by giving their statement etc. under the legal process, and thereafter the first parties will not be entitled to



take any further legal action against the second party in the above mentioned case.

3. *That as per the compromise, the first parties have no objection to the said case being questioned.*

4. *That as per the agreement, the second party will not take any legal action against the first parties nor will they hold any grudge in future.*

5. *That the parties will not hold any grudge against each other in future nor will they file any litigation against each other and the parties will live in peace in future.*

6. *That the parties and their heirs are and will remain bound by this compromise. Whoever violates it will be liable and responsible for the expenses of the other party. Therefore, the parties have heard and understood this compromise in person, have accepted it as correct and have got it written down, please be aware. Dated 12-11-2025."*

Learned counsel has, thus, iterated that the impugned FIR which was registered by the complainant is 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 against each other. 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 State counsel has submitted that the case is still at the stage of investigation and the truth is yet to unfold. 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 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. Since this Court has proceeded to adjudicate upon the *petition in hand*, at *limine* stage as also the nature of order being passed, this Court does not deem it appropriate to issue notice to respondent Nos.2 to 4 or to seek reply from the said respondents as no further proceedings and/or pleadings are required.



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-accompli 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. may 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.187 dated 04.09.2025 registered under Sections 281, 125(a), 106 of BNS, 2023 as also the proceedings subsequent thereto, on the basis of compromise deed dated 14.11.2025 (copy whereof is appended as Annexure P-2 with the present petition) which, in essence pertains to death of one Rasid. 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 Rasid, he cannot be a party to the compromise.

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



CRM-M-67238-2025

13

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.

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

(i) The petition in hand; seeking quashing of FIR No.187 dated 04.09.2025 registered under Sections 281, 125(a), 106 of BNS, 2023 as also the proceedings subsequent thereto, on the basis of compromise deed dated 14.11.2025 (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

December 11, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No