

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

2025:PHHC:169498



CRM-M-24616-2025 (O&M)

Reserved on: 28.11.2025.

Date of decision: 04.12.2025.

Uploaded on: 04.12.2025.

TUSHAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

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

Present :- Mr. Aakash Juneja, Advocate,
(Through Video Conference)
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Present petition has been filed u/s 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking quashing of FIR bearing No. 427, dated 11.09.2023, registered under Sections 279, 304-A, 337 of Indian Penal Code, 1860, Police Station Kalanaur, District Rohtak and all subsequent proceedings arising therefrom, on the basis of compromise dated 24.10.2024. (Annexure P-2).

2. The present FIR had been registered on the statement of Parvez Ali s/o Sharafat Ali. The allegations levelled are that on 10.09.2023

complainant, his father and his cousin were going to Dadri for selling jaggery on their tractor trolley. At about 4:00 am, driver of Bollero car bearing number HR-31J-5132 driving negligently and at a high speed hit the trolley-tractor from behind. Due to this collision, tractor overturned. As a result of the accident, father of the complainant passed away.

3. However, on 24.10.2024, the parties compromised the matter and filed the present petition for seeking quashing of FIR on the basis of compromise.

4. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 28.05.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5. Pursuant to the said order, report has been received from Judicial Magistrate 1st Class, Rohtak vide Memo No. 883 dated 18.09.2025.

The relevant extract of the report is reproduced as under:-

- (i) *It is humbly submitted that there is one accused named Tushar in the present case.*
- (ii) *The accused has not been declared as proclaimed offender in this case or any other case.*
- (iii) *The compromise made by the parties is genuine, voluntary, without any coercion or undue influence.*
- (iv) *The accused is not involved in any other FIR.*

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

7. Learned counsel appearing on behalf of respondent No. 2

reiterates the settlement and his concurrence to the FIR and all the other consequential proceedings being quashed.

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

“16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

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

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

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

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

on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

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

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

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

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in

an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”.

9. It is evident from the above that the Supreme Court expressed reservations about quashing in heinous and serious offences involving mental depravity. A heinous offence is usually understood in the context of physically violent crimes such as murder, rape, acid attack, robbery, dacoity etc; crimes against society such as terrorism, war etc; crime against persons as violate human dignity and values such as trafficking of humans abetting suicide, unnatural offences etc. An accident does not fall under the category of a heinous offence as it generally does not fulfill the ingredients of heinous offences. The reference of serious offences is qualified to those involving mental depravity. Such offences are usually in the context of criminal acts showing profound disregard for life and law or having social impact. As per Black’s Law Dictionary, 8th Edition, ‘depraved’ as an adj. of a person or crime means corrupt or perverted or morally horrendous.

10 An accident may lead to death, in certain cases, but when the circumstances do not reflect it to be heinous or as a serious offences involving depravity, law does not stand in the way of parties amicably resolving the dispute and to move forward in life. An accident may be a purely fortuitous incident and in such circumstances cannot be equated to heinous offences. Absence of mens rea and the nature of offence excludes it from amongst the offences viewed as shocking to Public Conscience or morality.

11 Law thus recognizes that the accused not being ‘criminal’ in

‘intent’, a deterrence is not to be imposed against mutual settlement of the issues amongst the parties. It would thus save precious and limited judicial time.

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

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

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

- i) The petitioner has no criminal antecedents and is not involved in any other criminal case. There is no material on record to suggest that subsequent to the occurrence in the present case, the petitioner has indulged in any further unlawful activity.
- ii) The petitioner is 24 years old and continued criminal incarceration will cause severe repercussions to the petitioner's

future and career prospects and in discharge of his obligation as in his society and work place.

iii) The FIR in question pertains to the year 2023 and the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.

iv) The incident in question is not a pre-meditated offence and happens to be a chance accident.

v) The offence in question cannot be said to be heinous or as an offence that would shock the conscience of the society or public at large. It can also not be termed as one shocking to the conscience of the Court; and

vi) Continuation of the proceedings with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and only result in futile waste of judicial time.

15 In view of the report of the Judicial Magistrate First Class, Rohtak and the principles laid down by the Apex Court in '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', the instant petition is allowed. FIR bearing No. 427, dated 11.09.2023, registered under Sections 279, 304A, 337 IPC, 1860 , Police Station Kalanaur, District Rohtak and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) in view of compromise dated 24.10.2024 (Annexure P-2). However, the same would be subject to payment of costs of Rs.20,000/- to

be deposited by the petitioner with the DHFWS SKS USERFEES CS OFFICE, PKL, Account No.50100189689492, IFSC Code: HDFC0004832, HDFC Bank Sector-6, Panchkula within a period of two months from receipt of certified copy of this order.

16 Petition is **allowed**.

December 04, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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