

2026:PHHC:025977



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

CRM-M-24420-2023

Pradeep Kumar Tomar and another

...Petitioners

V/s

State of Haryana and another

...Respondents

Date of Reserve: 12.02.2026**Date of pronouncement: 19.02.2026****Date of Uploading : 19.02.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Amrita Garg, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Ms. Anjali Sheoran, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been preferred by the accused under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR No.0392 of 2021 dated 07.10.2021 (hereinafter to be referred as the '*impugned FIR*'), registered under Section 304-A of the Indian Penal Code, 1860, at Police Station Ferozepur Jhirka, as also the charge-sheet dated 24.10.2021 (Annexure P-2) alongwith the consequential proceedings emanating therefrom on the basis of a compromise deed dated 09.05.2023 (copy whereof is appended as Annexure P-5 with the present petition).

2. The factual matrix of the case in hand reflects that on 06.10.2021 at about 6:00 PM, two workmen, namely, Om son of Mohan Singh and Rampal, who were stated to be working at the factory premises,

met with an accident while walking on a beam of the shuttering structure. It has been further alleged that only one portion of the shuttering collapsed while the remaining portion remained intact, as a result of which both the workmen sustained injuries. Immediately, they were taken to a local hospital whereby Om son of Mohan Singh succumbed to the injuries whereas Rampal was shifted to Blossom Hospital, Agra, from where he was later taken home by his family but he expired later on. On the complaint of the brother-in-law of the deceased Om, the *impugned FIR* was got registered.

3. Learned counsel for the petitioners has iterated that the petitioners have been falsely implicated into the *impugned FIR* on account of the fact that they are contractual employees at the factory premises where the unfortunate accident took place and have no supervisory, managerial or technical role in the execution of the shuttering work. Learned counsel has further iterated that there is not even a whisper in the *impugned FIR* or in the final report under Section 173 Cr.P.C. indicating any specific act or omission on the part of the petitioners which could constitute criminal negligence as employed in Section 304-A of the IPC. Learned counsel has emphasized that during the course of investigation, the Director of the factory as well as the foreman, who were originally named in the *impugned FIR* have been found innocent and placed in Column No.II of the challan. Learned counsel has further submitted that the incident in question was accidental in nature inasmuch as the deceased persons were walking on a beam of the shuttering structure on their own and only a portion of the shuttering collapsed while the remaining structure remained intact. It has been further contended that the petitioners, immediately after the incident,

extended financial assistance of Rs.3,00,000/- to the family of deceased Om and also bore the medical expenses of Rampal during his treatment at Blossom Hospital, Agra, besides paying a sum of ₹3,00,000/- to his family after his demise, which demonstrate the *bona fide* conduct of the petitioners. It has been further submitted that respondent No. 2, who is the complainant and brother-in-law of deceased Om, has executed an affidavit stating therein that the *impugned FIR* has been lodged on account of some misunderstanding and under the influence of local persons. Learned counsel has contended that since the parties have amicably resolved their disputes and have entered into a written compromise dated 09.05.2023 out of their own free will without any coercion, the continuation of criminal proceedings would amount to abuse of the process of law and would serve no useful purpose. On the strength of these submissions, learned counsel has prayed that the *impugned FIR* in question along with all consequential proceedings be quashed.

4. *Per contra*, learned State counsel has opposed the grant of petition in hand on the ground that the instant case pertains to an offence under Section 304-A of IPC involving the death of two workmen and, therefore, the matter cannot be treated as a private dispute between the parties. Learned State counsel has iterated that the allegations in the *impugned FIR* and the material collected during the course of investigation *prima facie* disclose the commission of a cognizable offence relating to criminal negligence and the same has direct bearing on public safety. Learned State counsel has emphasized that the inherent powers of this Court under Section 482 Cr.P.C. are to be exercised sparingly and only in cases where the allegations do not disclose any offence or where the proceedings

are manifestly an abuse of the process of law. Furthermore, the compromise entered into between the petitioners and respondent No. 2 cannot form the basis for quashing of the *impugned FIR* inasmuch as the offence under Section 304-A IPC is not compoundable and involves loss of human life. According to learned State counsel, such offences are against the society at large and not merely against an individual and the legal heirs of the deceased cannot, by way of a compromise, absolve the accused of criminal liability arising out of an act of alleged negligence which resulted in death. On these grounds, learned State counsel has prayed for the dismissal of the present petition.

5. Learned counsel appearing on behalf of respondent No. 2-complainant submits that the dispute between the parties has been amicably resolved and that a compromise deed dated 09.05.2023 has been executed voluntarily and without any coercion or undue influence. It has been contended that respondent No. 2 has initially lodged the *impugned FIR* under a misconception and under the influence of certain local persons without being fully aware of the factual position regarding the occurrence. Learned counsel has further submitted that upon gaining proper knowledge of the circumstances in which the accident took place, respondent No. 2 has come to the conclusion that the incident was purely accidental in nature and not attributable to any negligence on the part of the petitioners. Furthermore, in view of the compromise in question, the respondent No. 2 does not wish to pursue the criminal proceedings and has no objection if the *impugned FIR* in question and the consequential proceedings, are being quashed.

6. I have heard learned counsel for the parties and have gone through the record.

7. This Court, while relying upon the judgments passed by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab and another*, 2012(10) SCC 303; *Narinder Singh vs. State of Punjab*, 2014(6) SCC 466; *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. Vs. State of Gujarat and anr.* AIR 2017 SUPREME COURT 4843; *State of Madhya Pradesh vs. Laxmi Narayan and others* AIR 2019 SUPREME COURT 1296 and by this Court in *Baldev Singh vs. State of Punjab & another*, decided on 02.06.2016 in CRM-M-40769-2014, has observed in *Satnam Singh Vs. State of Punjab and Another*; 2025 (4) Law Herald 3188 as under:

“Analysis (re law)

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. xxx xxx xxx xxx xxx

10.3 xxx xxx xxx xxx xxx

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. nay the FIR-complainant/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; proffered 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. Learned Counsel for the petitioner has laid great emphasis on the aspect that the facts of the *Satnam Singh* (supra) are distinguishable

from the facts of the instant case by arguing that a factory mishap is qualitatively distinct from a road side accident. This Court finds the said carved distinction without a legal difference. It is to be borne in mind that while the factual conspectus may vary, the *ratio decidendi* remains identical as the core issue is not the geography of the incident but the legal impossibility of a compromise where the primary victim is no longer present to offer his/her consent. The essential edifice of quashing criminal proceedings on the basis of a compromise, rests upon the absence of any subsisting grievance by the victim against the accused. However, in cases of homicidal negligence, the deceased remains the primary aggrieved party. Any settlement entered into by the relatives is, at best, a secondary resolution that cannot supersede the interest of the state, acting as *parens patriae*, in prosecuting an act that has extinguished a human life.

8.1. Pertinently, while Section 2(x) of the BNSS, 2023 employs a statutory fiction to include 'guardians' and 'legal heirs' within the definition of a '*victim*', this inclusion is intended for the purpose of compensation and procedural standing, rather than to afford them the moral or legal authority to *condone* a death on behalf of the departed. To allow such a compromise to terminate criminal proceedings would be to treat a '*lost life*' as a purely private commodity and negating the deterrent effect of law and public safety element inherent in such tragedies. The power to quash an FIR/criminal proceedings under Section 482 Cr.P.C./528 BNSS is an equitable remedy that must not be used to bypass the gravity of an irreversible harm. Pertinently, crimes involving death transcend the boundaries of a private injury and rather fall in the category of crime against society at large.

Ergo, despite the factual matrix of instant case involving a mis-happening at a factory premises, being distinct from vehicular road side accident in ***Satnam Singh*** (supra), the underlying legal principle remains akin: *the silence of the grave cannot be substituted by the signatures of the heirs on a compromise/settlement deed*, and the petition for quashing must fail on the *altar* of this foundational legal truth.

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 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 304-A 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 304-A IPC. Indubitably, the *impugned FIR* pertains to the death of Om son of Mohan Singh and Rampal, 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 304-A of the Indian Penal Code, 1860, at Police Station Ferozpur 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.

(SUMEET GOEL)
JUDGE

February 19, 2026
Ajay/mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No