



150

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

CRM-M-49904-2026 (O&M)

Date of Decision: 07.09.2026

RAJ KUMAR

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Kartik Sachdeva, Advocate and
Ms. Komal Rana, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

SHALINI SINGH NAGPAL J.

1. Petitioner seeks quashing of FIR No.479 dated 27.10.2024 under Sections 106, 281 and 324(4) Bharatiya Nyaya Sanhita, 2023, Police Station Zirakpur, District SAS Nagar and all subsequent proceedings arising therefrom, on the basis of compromise dated 12.06.2025. This is the second petition for quashing of FIR. The first petition was dismissed as withdrawn on 14.11.2025.

2. The FIR was recorded on statement of Baljinder Singh who stated that on 21.10.2024, his father who was a security guard left home on his bicycle for duty from 08 PM to 08 AM. When he did not return in the morning, he moved an application regarding his absence in Police Station Zirakpur on 22.10.2024. He had been searching for his father when he found that a young man had taken him to Edmund Private Hospital, Zirakpur for treatment due to a stroke from where he was referred to GMCH Sector 32



Chandigarh as his condition was serious. The young men Jenny and Keshav, who caused the accident, came to meet him at GMCH 32 Chandigarh and he found that on 21.10.2024, at around 8 PM, his father Mohinder Singh met with an accident with their car No. HR-51-AU-1976 near Panchsil Enclave. He told him that his father's condition was serious and he would talk to him later. His father died during treatment. Legal action was prayed for.

3. Learned counsel for the petitioner submits that father of respondent No.3 met with a fatal accident near Maryland Hotel/Petrol Pump, Chandigarh Road, Zirakpur caused by rash and negligent driving of car bearing No. HR-51-AU-1976. With the passage of time and intervention of respectables from the society, the parties had amicably resolved their dispute. The complainant no longer held any grievance or suspicion against the petitioner and a genuine and voluntary compromise dated 12.06.2025 was entered into. Continuation of criminal proceedings would thus, serve no useful purpose and would amount to abuse of the process of law.

4. Learned State counsel submits that inherent powers could not be exercised to quash the FIR in a death case.

5. In '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another**' (2017) 9 SCC 641', Hon'ble Supreme Court has laid down the broad principles governing the exercise of powers under Section 482 Cr.P.C. by this Court. The relevant observations 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 noncompoundable.

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.”

6. A Division Bench of this court in **Baldev Singh versus State of Punjab & another, decided on 02.06.2016 in CRM-M-40769-2014**, held as under:

“The question formulated for consideration of a larger Bench was whether the crime registered under Section 304-A IPC can be quashed on the basis of compromise arrived at by the legal heir/legal representative of the victim/deceased with the offender.

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XX	XX	XX

In the facts and circumstances of the case it would indeed be paradoxical and incorrect to hold that the offence under Section 304-A is private in nature. Its serious impact on society is not subject to understatement. When a person or persons lose



their life/lives due to the rash and negligent act of the accused, the question of mens rea or intention in such a situation pales into insignificance. The wrong cannot be termed to be private or personal in nature like offences arising out of matrimony, relating to dowry etc., family disputes or criminal cases having overwhelmingly and predominantly a civil flavour like commercial, financial, mercantile, civil or partnership matters.

XX XX XX

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

7. Co-ordinate Bench of this Court in ***Pradeep Kumar Tomar and Another vs. State of Haryana and Another***’ CRM-M-24420-2023, decided on 19.02.2026, has observed as under:-

“ xx xxx xxxx

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.

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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. Though under Section 528 BNSS, the High Court has inherent powers to quash criminal proceedings in cases which are not compoundable, where the parties have settled the matter, the guiding principles for the exercise of the powers are (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court. The inherent powers of the Court under Section 528 BNSS are to be exercised with much care, caution and circumspection. Criminal cases, private in nature or those involving elements of civil dispute, cases arising from commercial, financial transactions, matrimonial offence and family disputes are amenable to quashment. However, the powers are not to be exercised in prosecutions



involving serious offences, which cannot be termed as private in nature and have serious impact on the society at large. The offence under Section 106 BNS which has direct nexus with public safety, has serious consequences and cannot be considered private in nature.

9. Another important consideration is the consent of the victim for the compromise/settlement of the FIR/criminal proceedings. In cases, involving Section 304-A IPC where the accident by rash and negligent driving has resulted in death, it is the deceased who is the victim of the crime and his surviving family members cannot step into his shoes to provide consent for the settlement/compromise. Such a settlement is legally untenable. Since the deceased is no longer in this world and has been rendered incapable of giving consent, any settlement between the accused and family members of the victim cannot be given the seal of the Court to quash the FIR.

10. The petition for quashing of FIR No.479 dated 27.10.2024 under Sections 106, 281 and 324(4) Bharatiya Nyaya Sanhita, 2023, Police Station Zirakpur, District SAS Nagar, on the basis of compromise dated 12.06.2025 is accordingly **dismissed**.

11. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

07.09.2026
Sumit Singla

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No