



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

137

CRM-M-22825-2025

Date of decision: April 30<sup>th</sup>, 2025

Shamsher Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. G.S. Dhaliwal, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J.**

Prayer in the instant petition is for quashing of FIR No.177 dated 22.11.2021 under Sections 304-A and 279 of the IPC registered at Police Station Dakha, District Ludhiana, along with all consequential proceedings arising therefrom on the basis of compromise dated 25.02.2025 (Annexure P-2).

2. Learned counsel for the petitioner submits that the FIR was registered against unknown persons and the petitioner, a driver by profession, who was not present at the scene of occurrence. It is further contended that the vehicle of the petitioner was not involved in the alleged accident. While drawing the attention of this Court to the compromise deed (Annexure P-2), learned counsel has urged that the matter now stands amicably settled between the complainant and the petitioner, and no fruitful purpose, therefore, would be served by continuing the criminal proceedings in the FIR in question.

3. I have heard learned counsel for the petitioner and perused the material on record.

4. There can be no quarrel with the proposition that this Court possesses inherent powers under Sections 482 of the Cr.P.C./528 of the BNSS, to quash criminal proceedings, where the dispute is essentially private in nature and has been amicably resolved. However, such power is not absolute or unqualified. It must be exercised with circumspection, keeping in view the nature of the offence, the impact on society, and the larger public interest. In the present case, the FIR (Annexure P-1) discloses that one Harbhajan Singh died after being hit by a rashly driven car bearing registration PB 08-CX 6300. The accident was witnessed *post facto*, and the statement of the son of the deceased, indicates that the driver fled the scene soon after the occurrence. The petitioner is seeking to rely upon a subsequent compromise with respondent No.2, who, it is pertinent to note was not even present at the scene of occurrence.

5. The allegations in the FIR are grave involving an offence under Section 304-A IPC-a non-compoundable offence resulting in the loss of human life. Such offences, though lacking *mens rea*, in the conventional sense, are not mere private wrongs but public wrongs, impacting societal order and safety.

6. In cases of this nature involving death, the primary victim is the deceased. No compromise by legal heirs can be a surrogate for the voice of the deceased. It needs to be reiterated that in offences resulting in death-such as those punishable under Sections 302, 304-A, 304-B, 306 IPC etc.-the deceased is the primary victim, and the injury sustained is both irreversible and final. In such cases, any compromise or

settlement effected solely by legal heirs cannot supplant the voice or rights of the deceased. To permit private parties to unilaterally resolve such serious crimes would amount to a failure of the Courts in discharging its fundamental duty to uphold the rule of law and ensure accountability for grave offences that affect not just immediate family of the victim but the moral and legal fabric of society at large. Moreover, the doctrine of *parens patriae*-which has been repeatedly reaffirmed by the Courts-make it clear that in cases of this nature, it is the State, acting through the Court, that bears the paramount responsibility of safeguarding the interests of the victim (i.e. the deceased) and the public. The prosecution of such offences is, therefore, not a matter of private negotiation but a sovereign function aimed at protecting societal order and delivering justice.

7. Therefore, any compromise in the present case lacks legal sanctity. It cannot be the basis for quashing criminal proceedings on the basis of compromise, that arise out of the death of a person, allegedly caused by a rash and negligent act.

8. In light of the above discussion, this Court finds no merit in the present petition, wherein, a quashing of the FIR in question has been sought on the basis of a compromise, purportedly effected between the petitioner-accused and the son of the deceased. The offences alleged are serious, non-compoundable, and have far-reaching implications. The compromise sought to be relied upon, therefore, is legally ineffective and does not justify interference.

9. Accordingly, the instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**April 30<sup>th</sup>, 2025**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No