



309-2

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

CRM-M-14103-2023

Date of decision : 04.08.2025

Labh Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for quashing of FIR No.74 dated 18.03.2017, registered under Section 279, 304-A and 336 of IPC, at Police Station Kalanwali, District Sirsa, with all the subsequent proceedings arising therefrom on the basis of the compromise deed dated 19.10.2022 (Annexure P-2).

2. Succinctly, the facts of the case are that the present FIR was lodged on the statement of complainant/respondent No.2 i.e. Jaspreet Singh. It was alleged that on 17.03.2017 he and his father were returning from Dabwali to their village Tigri and at about 4:00 PM, when they reached at Aseer Khokhar road, an unknown car came in a very high speed and in negligent manner, hit their motorcycle from behind, due to which the complainant and his father fell on the road. His father received many injuries on head and the complainant received minor injuries. Thereafter, his father was shifted to Max Super Hospital, Bathinda where his father died due to serious injuries. Request was made to take legal action against the culprit. On registration of



the FIR, the investigation commenced, the charges were framed and the trial commenced. During pendency of the trial, the parties are stated to have entered into a compromise dated 19.10.2022 (Annexure P-2) on the basis of which the present petition has been filed for quashing of the FIR with all consequential proceedings arising therefrom.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been prosecuted in the aforesaid FIR pertaining to an accident and it is evident that the petitioner had no intention for the same to happen and the occurrence had taken place due to negligence. However, both the sides have amicably resolved their *inter se* disputes with intervention of the respectables. He, thus, submitted that since both the sides have arrived at the compromise, the further proceedings would be nothing else but an abuse of process of law. To substantiate his arguments, he has relied upon a Larger Bench judgment of this Court rendered in the case of ***Kulwinder Singh and others vs. State of Punjab and others, 2007(3) RCR (Criminal) 1052.***

4. *Per contra*, learned State counsel has opposed the present petition and submitted that the offence under Section 304-A is not an offence in private. It is submitted that the offence committed is grave and serious in nature and the same do not fall within the ambit of compounding. He submits that as per law settled, offence under Section 304A IPC falls under the heinous offence and as per law settled by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and another, 2012 (10) SCC 303**, **Daxaben vs. State of Gujarat and others, 2022 AIR (Supreme Court) 3530** and by the Division Bench of this Court in **Baldev Singh vs. State of Punjab & anr., 2016(3) Law Herald 2020**, offence under Section 304A IPC cannot be compounded. Hence, the present petition being devoid of any merit deserves to



be dismissed.

5. After hearing learned counsel for the parties and perusing the available record, it is inferred that the FIR in question was registered on the basis of statement of complainant of Jaspreet Singh, whose father, namely, Udhay Singh, while returning from Dabwali, was hit by a car being ridden by the petitioner very rashly in a high speed, on account of which his father received serious injuries and succumbed to injuries on the same day.

6. The issue involved in the present case is that, can this Court under its power of inherent jurisdiction as enumerated under Section 528 of the BNSS, 2023 (erstwhile Section 482 Cr.P.C.) quash the proceedings under Section 304-A IPC on the basis of compromise arrived at between the accused and the complainant? Evidently the complainant for the offence under Section 304A IPC has to be relative of the deceased. In the case in hand, the complainant is the son of the deceased. Hence, the compromise which has been relied upon by the petitioner is between the accused and son of the deceased. The role of every complainant is to put the legal machinery into motion. There is no gainsaying that as per statutory provisions of Section 320 Cr.P.C., there are certain offences, which are compoundable with the permission or without the permission of the Court. However, the inherent power of this Court empowers it to quash the proceedings in certain offences, even if the offence under consideration is non-compoundable in nature. However, in view of the law settled, this Court is to be circumspect while exercising its powers under Section 528 of B.N.S.S. for quashing the FIR. Hon'ble Supreme Court in **Gian Singh's** case (supra) has dealt with regard to the powers to be exercised by the High Court exhaustively. Thereafter, in **Narinder Singh vs. State of Punjab, 2014 (6) SCC 466**, Hon'ble Supreme Court has held as under:-



“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

- (I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.
- (II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:
 - (i) ends of justice, or
 - (ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

- (III) Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.
- (IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.
- (V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.



- (VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.
- (VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the of-



fender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

7. With regard to quashing the FIR for the offence under Section 306 IPC on the basis of compromise, Hon’ble Supreme Court in **Daxaben’s** case (supra) has held as under:-

“25. The only question in this appeal is whether the Criminal Miscellaneous Applications filed by the accused under Section 482 of the Cr.P.C. could have been allowed and an FIR under Section 306 of the IPC for abetment to commit suicide, entailing punishment of imprisonment of ten years, could have been quashed on the basis of a settlement between the complainant and the accused named in the FIR. The answer to the aforesaid question cannot, but be in the negative.

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37. Offence under Section 306 of the IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 of the Cr.P.C. is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of Court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 of the CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case.

38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

39. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the



complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, bride-burning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Section 306, 498-A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose.

40. In Criminal Jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. The State has a duty to ensure that law and order is maintained in society. It is for the state to prosecute offenders. In case of grave and serious non-compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a non-compoundable offence of a grave, serious and/or heinous nature, which impacts society.

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50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr. P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three-Judge Bench of this Court in Laxmi Narayan & Ors. (supra), Section 307 of the IPC falls in the category of heinous and serious offences and are to be treated as crime against society and not against the individual alone. On a parity of reasoning, offence under Section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.”

8. On reading the findings arrived by the Hon'ble Supreme Court, it is deciphered that quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would



be violative of the law settled. It has been further observed that this would render otiose the provisions such as Sections 306, 498-A, 304B, 304A etc. incorporated in the IPC. Hon'ble Supreme Court has observed that FIR registered for commission of the heinous/serious offences cannot be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. Hon'ble Supreme Court, thus, has totally ruled out the quashing of the FIR for the heinous offences on the basis of the compromise.

9. The issue involved in the present case for quashing the FIR registered under Section 304A on the basis of compromise has already been settled by the Division Bench of this Court in **Baldev Singh's case (supra)**, while relying upon various judgments of Hon'ble the Supreme Court, by holding as under:-

“xxx xxx xxx xxx xxx

12. Undoubtedly, there is a distinction between the power of the Court to compound an offence under Section 320 Cr. P.C. and quashing of criminal proceedings in exercise of power under Section 482 Cr. P.C. In **Gian Singh's case (supra)**, the Hon'ble Supreme Court has observed as under:-

*“Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power **although the ultimate consequence may be acquittal or dismissal of indictment.**”*

(emphasis added)

13. In **Gian Singh's case (supra)** the question was regarding quashing of an offence punishable under Section 307 IPC on the basis of set-



tlement between the parties. It was observed that the offence under Section 307 IPC would fall in the category of heinous and serious offences and is generally treated as a crime against society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of 307 IPC in the FIR or the charge is framed under the said provision. It would be open to the court to find out whether there is sufficient evidence to prove the charge under Section 307 IPC. It would be open to the High Court to formulate a prima facie analysis.

14. In **Narinder Singh and others v. State of Punjab and another** 2014 (2) R.C.R. (Criminal) 482 which also deals with a matter pertaining to an offence under Section 307 IPC, it is observed as under:-

*“Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. **Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court.** Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”*

15. The offence under Section 304-A IPC presents a situation where the victim has lost his life in an accident. The legal representatives of the deceased may enter into a compromise with the accused for considerations best known to them, but to say that an offence under Section 304-A is private in nature is wholly incorrect. It is an offence which impacts society as a whole with its ripples casting their net far and wide, permeating to the very core.

16. While dealing with the question of reduction of sentence imposed under Section 304-A on account of compensation paid to the legal representatives of the deceased it has been observed by the Hon'ble Supreme Court in **State of Punjab v. Saurabh Bakshi**, Criminal Appeal No. 520 of 2015, that there can be no proposition of law that whenever an accused offers acceptable compensation for rehabilitation of a victim regardless of the gravity of the crime under Section 304-A, there should be a reduction in the sentence imposed. The increase in the num-



ber of road accidents where the drivers were totally rash and negligent was noticed. It was observed that they were driving with youthful enthusiasm as if there were no traffic rules or no discipline of law had come centre stage. Misplaced sympathy while applying the payment of compensation in such cases was decried. Such a mockery of justice would necessarily shatter the faith of public in the judicial system. There should not be an impetus to the nonchalant attitude of drivers who feel that “they are emperors of all they survey”. In a situation where poor felt that their lives are not safe and the pedestrians think of their uncertainty and the civilized persons drove in constant fear but were still apprehensive about the obnoxious attitude of the people who project themselves as larger than life the Hon'ble Supreme Court in immense anguish observed that the law makers should scrutinize, re-look and re-visit the sentencing policy in Section 304-A IPC. It is specifically observed that it is obligatory on the part of the court to see the impact of the society as a whole and its ramifications on the immediate collective as well as its repercussions on the victim.

17. In **Dalbir Singh v. State of Haryana** 2000(2) R.C.R. (Criminal) 816, it is observed by the Hon'ble Supreme Court that,

*“1. When automobiles have become death traps any leniency shown to drivers who are found guilty of rash driving would be at the risk of further escalation of road accidents. All those who are manning the steering of automobiles, particularly professional drivers, must be kept under constant reminders of their duty to adopt utmost care and also of the consequences befalling them in cases of dereliction. **One of the most effective ways of keeping such drivers under mental vigil is to maintain a deterrent element in the sentencing sphere. Any latitude shown to them in that sphere would tempt them to make driving frivolous and a frolic.** (Emphasis added)*

13. Bearing in mind the galloping trend in road accidents in India and the devastating consequences visiting the victims and their families, criminal courts cannot treat the nature of the offence under Section 304-A IPC as attracting the benevolent provisions of Section 4 of the Probation of Offenders Act. While considering the quantum of sentence to be imposed for the offence of causing death by rash or negligent driving of automobiles, 6 (2000) 5 SCC 821 Page 13 one of the prime considerations should be deterrence. A professional driver pedals the accelerator of the automobile almost throughout his working hours. He must constantly inform himself that he cannot afford to have a single moment of laxity or inattentiveness when his leg is on the pedal of a vehicle in locomotion. He cannot and should not take a chance thinking that a rash driving need not necessarily cause any accident; or even if any accident occurs it need not necessarily result in the death of any human being; or even if such death ensues he might not be convicted of the offence; and lastly, that even if he is convicted he would be dealt with leniently by the court. He must always keep in his mind the fear psyche that if he is convicted



of the offence for causing death of a human being due to his callous driving of the vehicle he cannot escape from a jail sentence. This is the role which the courts can play, particularly at the level of trial courts, for lessening the high rate of motor accidents due to callous driving of automobiles.”

18. 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.

19. Another argument addressed vehemently in favour of the proposition is that the legal heirs get adequate compensation in a given situation and a quietus is afforded to needless litigation, as many a times criminal proceedings are initiated solely with a view to seek compensation. There is a basic flaw in this argument which compels us to reject it. To presume that a human life can be allowed to be shattered away due to the rash and negligent act, may be a mindless act or of false bravado or brazenness and thereafter permit its compounding/settlement on the basis of 'just monetary compensation' or any other consideration amounts to nothing but a complete mockery of justice, totally offensive to civilized thought. The question of compensation under the Motor Vehicles Act is a totally separate issue. There can be no question of bartering of a human life in this manner. While being fully conscious of the ground realities of our society where the victim's family may be in penury and may be beguiled into a compromise due to the harsh realities of life, a stamp of approval over such an activity cannot be afforded by the court.

20. To say that Courts should not hesitate to intervene in favour of the accused in such cases is indeed a dangerous proposition with a potential to provide an impetus to a proclivity on the part of the drivers to continue with their rash and negligent act buoyed by the thought that they would get away with the crime by affording sufficient compensation to the victim's legal representatives. Once it has been authoritatively held by the Supreme Court that even grant of compensation under Section 357 (3) Cr. P.C. is not to be regarded as a mitigating circumstance to reduce the sentence imposed and neither can it be a substitute for an adequate sentence in all cases, it cannot be held that in



cases where the matter is settled with the legal heirs of the deceased by giving adequate compensation, the proceedings should be quashed. To say that Courts should not hesitate to intervene in favour of the accused in such cases is indeed a dangerous proposition with a potential to provide an impetus to a proclivity on the part of the drivers to continue with their rash and negligent act buoyed by the thought that they would get away with the crime by affording sufficient compensation to the victim's legal representatives. Once it has been authoritatively held by the Supreme Court that even grant of compensation under Section 357 (3) Cr. P.C. is not to be regarded as a mitigating circumstance to reduce the sentence imposed and neither can it be a substitute for an adequate sentence in all cases, it cannot be held that in cases where the matter is settled with the legal heirs of the deceased by giving adequate compensation, the proceedings should be quashed.

21. Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304-A the victim is obviously not present to settle the matter. To permit a legal representative or legal heir to compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted. To quash the proceedings under Section 304-A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative, undoubtedly has the authority to file an appeal or receive compensation.

22. However, it is trite to mention that the power of the High Court under Section 482 Cr. P.C. can nevertheless be exercised in appropriate matters where it is felt that a prima facie case is not made out in consonance with the settled principles of law. There can indeed be no fetter on this power to act for securing the ends of justice or to prevent the abuse of process of law. However this observation for a moment is not to be construed as taking the possibility of a conviction being bleak due to settlement, to be a relevant factor for quashing the FIR under Section 304-A IPC. 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.



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Thereafter, the aforesaid judgment rendered by the Division Bench of this Court in **Baldev Singh’s case (*supra*)** has been followed by the Single Benches of this Court in a catena of judgments rendered in the cases of **Karam Singh @ Karma vs. State of Punjab and others**, CRM-M-41496-2023, decided on 28.11.2024, **Nirmal Singh vs. State of Punjab and others**, CRM-M-31317-2024, decided on 29.10.2024, **Sukhwinder Singh @ Jassi @ Dhatu vs. State of Punjab and others**, CRM-M-40039-2024, decided on 20.08.2024, **Manpreet Singh vs. State of Punjab and another**, CRM-M-11755-2021, decided on 10.08.2023.

10. Hence, the law cited by learned counsel for the petitioner cannot be relied upon by this Court, as Hon’ble the Supreme Court as well as Hon’ble the Division Bench of this Court have already settled the issue in hand. Thus, this Court does not find any merit in the present petition and hence, the same is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the appeal filed by the petitioner against his conviction, which is pending adjudication with the learned Appellate Authority.

(**RAJESH BHARDWAJ**)
JUDGE

04.08.2025

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No