



CRM-M-13795-2024

1

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

CRM-M-13795-2024

Date of decision: 24.01.2025

Earndeep Kaur @ Irandeep Kaur and another

....Petitioners

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOELPresent: Mr. Mukul Goyal, Advocate and
Mr. Kewal Krishan, Advocate for the petitioners.

Mr. Yuvraj Singh, AAG Punjab.

None for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been preferred by the accused, under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.0041 dated 03.11.2023 (hereinafter to be referred as the impugned FIR) registered under Sections 306/34 of IPC at Police Station GRP, District Patiala, Punjab as also proceedings subsequent thereto on the basis of compromise deed dated 11.03.2024 (copy whereof has been appended as Annexure P-2 with the present petition).

2. The gravamen of the impugned FIR is that the complainant namely Shakuntla Singhi w/o late Baldev Krishan, R/O H. No. 212-A, Gurdeep Colony, Street No. 02, Ablowal, District Patiala, aged 62 years alleged that she is a homemaker and residing at the aforesaid address. She further alleged that her marriage with late Sh. Baldev Krishan took place in the year 1979 and we had two children; elder daughter namely Ritu Singhi being married to Naresh Batta of Rajpura and her younger son namely

**CRM-M-13795-2024****2**

Manish Singhi being married to Irandeep Kaur of Tripri, Patiala, 11 years ago. However, on account of COVID-19, their younger son namely Manish Singhi passed away in the year 2021, leaving behind a seven year-old son. After death of the Manish, the complainant stayed with my daughter-in-law namely Irandeep Kaur and grandson. However, the behavior of her daughter-in-law towards the complainant and her husband was often staying aloof and she often disrespected them. On multiple occasions, she brought one Rupesh Kumar, an unrelated man, to the house of the complainant. When the complainant confronted her, she used abusive language and claimed ownership of the house. On 25.10.2023, the daughter-in-law of the complainant namely Irandeep Kaur locked herself in a room with the aforesaid Rupesh Kumar. On 26.10.2023, when she was confronted by the family members, she stated that this was her house and asked the complainant to leave. She also sold the car of her late son and had transferred ₹80 lakhs from his account to her account without sharing any details thereof with the complainant. It was further alleged that, on 31.10.2023, the aforesaid Rupesh Kumar began installing cameras in the house without the consent of the complainant and her husband. Upon protest, both the accused i.e. her daughter-in-law namely Irandeep Kaur and Rupesh Kumar insulted the complainant and her husband and told us to leave or die. These events caused immense stress to the husband of the complainant. On 02.11.2023, overwhelmed by the harassment and mental torture, the husband of the complainant attempted suicide by jumping in front of a train at Rajpura Railway Station whereinafter he was admitted to PGIMER, Chandigarh where he succumbed to his injuries on the same day. The complainant has further alleged that her daughter-in-law namely



CRM-M-13795-2024

3

Irandeep Kaur and Rupesh Kumar were responsible for the death of her husband on account of the mental harassment and humiliation caused by them. Based on these set of allegations, the impugned FIR was got registered.

3. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated into the impugned FIR whereinafter the Police has even put up the challan (final report) on 04.05.2024. Learned counsel for the petitioners has submitted that a compromise was entered into between the petitioners and the FIR-complainant (wife of the deceased) on 11.03.2024, relevant whereof reads as under:-

“1. That in the above said FIR now the matter has been settled with the intervention of respectables and all the misunderstandings have been cleared.

2. That it has settled between the parties that cases which was filed by party no.1 against party no.2 i.e. above said FIR and complaints given before the Police Authorities (PS Tripuri & PS Civil Lines) in another matter will also liable to withdrawn by the party no.1.

3. That it has also been settled that the party no. 1 will assist and support to quash or compound the proceedings of FIR No.0041 dated 03.11.2023, U/s 306/34 IPC P.S. GRP, Patiala, against party no.2 and will also give the statement before the Hon'ble Court. It has also been settled that the party no.1 will assist and support to withdraw the complaints given to Police authorities (PS Tripuri & PS Civil Lines) and other authorities.

4. That now there has no grouse between party no.1 and 2. The party no. 1 has no objection if the proceeding against party no.2 has also been cancel/compound/quashed in the above FIR.

5. That both the parties have got no objection if the above stated FIR/complaints are cancelled/quashed/compound/withdraw against each other. Both the parties would give statement in favour of the each other whenever required for cancellation/quashing/compounding/withdrawing above mentioned FIR/complaints.

6. That since the present compromise has been effected and the party no.1 as well as party no.2 along with other parties involved in these litigations, undertake to made efforts with each other for



CRM-M-13795-2024

4

cancellation/quashing/compounding/withdrawing above mentioned FIR and application.

7. That it has been agreed between both the parties that in future none of the parties shall file any civil or criminal case or complaints against each other's in any competent court of law or before any police authority including the cases of damages/defamation against each other and will live peacefully in future without any interference.

8. That it has also been agreed between both the parties that if any litigation/case/complaint is still pending before Hon'ble court or any authority against each other, then both the parties are liable to be withdraw the same.

This compromise has been entered into by both the parties with their free will and without any pressure from any quarter. The compromise has been read over by both the parties and they have signed the same admitting it to be true and correct in the presence of following witnesses.”

Learned counsel has, thus, iterated that the FIR in question which was got registered on account of misunderstanding which has since been resolved between the parties and in order to keep peace as also harmony, the parties do not want to now continue with proceedings, including impugned FIR, against each other. Learned counsel has further urged that no useful purpose would likely be served by allowing the criminal prosecution to continue against the petitioners. Thus, it has been iterated that the petition in hand be allowed.

4. State of Punjab has filed a status report (reply dated 20.08.2024) by way of affidavit of Jagmohan Singh, PPS, Deputy Superintendent of Police, Sub Division GRP, Patiala, relevant whereof reads as under:-

“7. That from the facts mentioned above, it is very much clear that how the petitioner No.1 was living in relationship with petitioner No.2 and openly calling him in the house of the complainant and when the complainant and her husband Baldev Krishan (since deceased) objected to wrong activities of the petitioners in their house, then both the petitioners



CRM-M-13795-2024

5

*humiliated and harassed the complainant and her husband Baldev Krishan and forced both to leave their house. Thus, the present petition is fully covered within the four corners of the judgment passed by the Hon'ble Supreme Court of India in the case of "**Daxaben Vs. State of Gurjarat and others**". So, the present petition is liable to be dismissed because of the continuous harassment and humiliation done by both the petitioners with the deceased Baldev Krishan which compelled him to commit suicide. Both the petitioners do not deserve any leniency seeing the nature of allegations and gravity of offence even if the parties have compromised in this case.*

8. *That after completion of the investigation of the above noted case, challan has been presented by the police in the Ld. Trial Court on 04-05-2024 and now the case is pending in the Ld. Trial Court, Rajpura for 31.08.2024.*

9. *That it is further submitted that statements of the complainant and accused were recorded before the Ld. Trial Court on 28-05-2024 and statement of I.O. has been recorded 04-06-2024 in compliance to the orders passed by this Hon'ble Court however, seeing the nature of allegations and gravity of offence u/s 306 IPC which is non-compoundable as also held by Hon'ble Apex Court mentioned in above paras, this petition is deserved to be dismissed"*

Learned State counsel has raised submissions in tandem with the aforesaid status report/reply and has prayed for dismissal of the present petition.

5. Service was effected upon respondent No.2 (FIR-complainant). Learned counsel for respondent No.2 had entered appearance before this Court on 18.03.2024 and continued to appear thereafter but no appearance was caused on behalf of respondent No.2 on 03.12.2024 as also on 14.01.2025. Same was the position on 17.01.2025 when the arguments in the matter were heard and judgment was reserved.

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

Prime Issue



CRM-M-13795-2024

6

7. The issue that arises for consideration in the present petition is as to whether the impugned FIR registered under Section 306/34 of IPC and proceedings arising therefrom deserves to be quashed.

The seminal legal issue that arises for consideration is as to whether an FIR (as also proceedings emanating therefrom) under Section 306 of IPC/Section 108 of the Bharatiya Nyaya Sanhita (BNS), 2023 can be quashed on the basis of compromise/settlement.

8. **Relevant Statutory Provisions**

The Indian Penal Code, 1860 (hereinafter to be referred as ‘IPC’)

Section 306 of IPC reads as under:

“306. Abetment of suicide: - If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

The Code of Criminal Procedure, 1973 (hereinafter to be referred as ‘the Cr.P.C.’)

Section 482 of Cr.P.C., 1973 reads as under:

“482. Saving of inherent power of High Court – Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

The Bharatiya Nyaya Sanhita, 2023 (hereinafter to be referred as BNS, 2023)

Section 108 of BNS, 2023 reads as under:

“108. Abetment of suicide – If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment



CRM-M-13795-2024

7

of either description for a term which may extend to ten years, and shall also be liable to fine.”

The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as BNSS, 2023)

Section of the BNSS, 2023 reads as under:

“528. Saving of inherent powers of High Court – Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

Relevant Case Law

9. The precedents, *apropos* to the matter(s) in issue, are as follows:

I. Re: Powers of the High Court under Section 482 of Cr.P.C.,vis-a-vis., quashing of the FIR/criminal proceedings on the basis of compromise

(i) In a judgment titled as ***Gian Singh vs. State of Punjab and another, 2012 (10) SCC 303*** a three Judges Bench of the Hon’ble Supreme Court has held as under:-

“48. The question is with regard to the inherent power of the High Court in quashing the criminal proceedings against an offender who has settled his dispute with the victim of the crime but the crime in which he is allegedly involved is not compoundable under Section 320 of the Code.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what

cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

(ii) In a judgment titled as ***Narinder Singh vs. State of Punjab***, **2014(6) SCC 466**, the 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



CRM-M-13795-2024

9

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 or 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



CRM-M-13795-2024

10

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



CRM-M-13795-2024

11

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.”

(iii) In a judgment titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. Vs. State of Gujarat and anr. AIR 2017 SUPREME COURT 4843***, a three Judges Bench of the Hon’ble Supreme Court has held as under:-

“15 The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :

(i) 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;

(ii) 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.

(iii) 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;

(iv) 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;

(v) 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



CRM-M-13795-2024

12

circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) 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;

(vii) 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 in so far as the exercise of the inherent power to quash is concerned;

(viii) 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;

(ix) 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

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) 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.”

(iv) In a judgment titled as ***State of Madhya Pradesh vs. Laxmi Narayan and others AIR 2019 SUPREME COURT 1296***, a three Judges Bench of the Hon’ble Supreme Court has held as under:-



CRM-M-13795-2024

13

“13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved 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;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or 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) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. 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 framing 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. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is



still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

II. Re: Powers of the High Court under Section 482 of Cr.P.C. to quash FIR under Section 306 of IPC

(i) In a judgment titled as **Daxaben vs. State of Gujarat & Ors.,2022 AIR Supreme Court 3530**, the Hon’ble Supreme Court 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 Sections 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*



CRM-M-13795-2024

16

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.”

Analysis (re law)

10. The conventional view, in view of statutory framework of law, 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 rigors 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.

**CRM-M-13795-2024****17**

10.1. Before proceeding further, it would be profitable to delve into the nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973.

10.2. Inherent powers of the High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words; such power(s) is intrinsic to the High Court, it is its very life-blood, its very essence, its immanent attribute. Without such power(s), the High Court would have form but lack the substance. These powers of the High Court, hence, deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of the High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which in fact arise. The High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The maxim, namely, "*quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa, esse non potest*" (when the law gives a persons anything it also gives him that without which the thing itself cannot exist) also signified that the inherent powers of the High Court are all such powers which are necessary to do the

right and to undo a wrong in the course of administration of justice. Further, the maxim “*ex debito justitiae*” stipulates that such powers are given to do real and substantial justice for which purpose alone the High Court exists. Hence, the powers under Section 482 of Cr.P.C., are aimed at preserving the inherent powers of a High Court to prevent abuse of the process of any Court or to secure the ends of justice. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of the High Court; to uphold to protect and to fulfil the judicial function of administering justice, in accordance with the law, in a regular, orderly and effective manner. In other words; Section 482 of Cr.P.C. reflects peerless powers, which a High Court may draw upon as necessary whenever it is just and equitable to do so, in particular to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *nay* substantial justice between the parties and to secure the ends of justice.

10.3 The above principle(s), in context of provisions of Section 482 of Cr.P.C, 1973, would apply with complete vigour, to the provisions of Section 528 of BNSS of 2023 as well, since there is no alteration in wording of these two provisions.

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 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



CRM-M-13795-2024

19

held that the criminal cases having overwhelmingly and pre-dominantly civil flavour, 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, the continuation of the criminal case putting the accused to operation and prejudice & the parties being put to general inconvenience as also prejudice could also be considered by the High Court while examining a plea for quashing of criminal proceedings on the basis of settlement/compromise. However a caution was made that cases involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity; offences under the Prevention of Corruption Act committed by public servants etc ought not to be quashed while exercising such plenary jurisdiction. However, FIR/proceedings *qua* an offence under Section 307 of IPC, could also be considered if it was shown that the offence of Section 307 of IPC was not made out on prima facie analysis in view of the injuries sustained, the part of body where such injury was sustained, nature of weapon(s) used etc. To same effect is the dicta of the judgment of three Judges Bench of the Hon'ble Supreme Court in the case of **Parbatbhai Aahir** case (supra). Further, a three Judges 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

**CRM-M-13795-2024****20**

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 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 the 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 present 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 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 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 *fait-accompli* is known, pendency of such proceedings would be an undesirable burden on the police/prosecution as also the Courts, who are

**CRM-M-13795-2024****21**

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 part of the victim for compromise/settlement of FIR/criminal proceedings is *sine-qua-non* for such petition to succeed.

12.1. Since time immemorial, legal philosophers and jurists have been preoccupied with the principles of criminal law, the criteria for criminalization, and the rights of the accused; while criminologists typically concentrated on the characteristics of criminals, what caused their criminal propensity and how to prevent crime. Their point-of-departure was always the offender, never the person who suffered as a result of the crime. In other words, until recently, criminal law had been viewed on a dimensional plane wherein the Courts were required to adjudicate between the accused and the State. The ‘victim’- the *de facto* sufferer of a crime had no participation in the adjudicatory process and was made to sit outside the Court as a mute spectator. However, with the recognition that the ethos of criminal justice dispensation to prevent and punish ‘crime’ had surreptitiously turned its back on the ‘victim’, the jurisprudence with respect to the rights of victim(s) to be heard and to participate in criminal proceedings began to positively evolve. The objective of the criminal justice system transcends the mere safeguarding of the accused’s rights; it equally encompasses the preservation and vindication of the victim’s rights. A victim cannot be relegated to the periphery or rendered a forgotten entity once the machinery of criminal law is set into motion. The judicial process mandates an equitable balance

**CRM-M-13795-2024****22**

between the competing interests of the accused and the victim, ensuring neither party's rights are unjustly subordinated. Courts are the custodians of justice, and their adjudication must reflect a harmonious interplay of fairness, equity, and the overarching societal interest in upholding the rule of law. It is a bounden duty of the courts of law to ensure that justice embraces the injured and afflicted. As an age-old adage reads thus:

“The Law should speak on behalf of those who cannot”

13. Conceptually; *FIR-complainant/informant* is different from *victim* though, in a very given case, they may be same person. In a case pertaining to an offence, as a result whereof death has occurred, it is the deceased who is the victim. In such a case, the surviving family of the victim including spouse/parents/children/guardian/care-giver etc. *may* the *FIR-complainant/informant* cannot adorn the mantle of victim. 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 306 IPC/Section 108 of BNS involving abetment to suicide, the primary victim is the deceased, whose demise is directly attributable to the accused's alleged abetment. The deceased, being the aggrieved party, 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 quashing. It disregards the irreversible harm inflicted upon the deceased and the broader societal interest implicated in crimes of this gravity. Thus, permitting quashing in such instances



CRM-M-13795-2024

23

undermines the rule of law and trivializes the serious nature of the offence, warranting judicial circumspection and restraint.

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 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 Society and not against individual(s).

14.1. More often than not, a plea for quashing of an FIR/proceedings *qua* offence under Section 306 of IPC/Section 108 of BNS is made wherein the prime ground is a compromise/settlement having been arrived at between the accused on one hand and the FIR-complainant/FIR-informant/surviving family of the deceased alongwith raising ground(s) that such an offence is not made out from the facts/circumstances of the case. In the considered opinion of this Court, such plea is aimed at camouflaging the compromise by raising plea on merits and does deserve rejection. The Hon'ble Supreme Court in the case of ***Daxaben*** (supra) has rejected the plea, based on compromise, for quashing of FIR/proceedings under Section 306 of IPC but did not chose to delve into merits of the case as to whether such an offence is made out or not since that was not the subject-matter of the *lis* before the Hon'ble Supreme Court. Further, the reliance placed by applicant (seeking quashing of FIR/proceedings *qua* an offence under Section 306 of IPC/Section 108 of BNS), that even an offence under Section 306 of IPC, though being serious/grave in nature can be quashed on the basis of compromise in a case where such an offence is not made out from the prima facie analysis, is palpably proscribed. The prime reason thereof is that the victim in a case under Section 306 of IPC/108 of BNS is, unfortunately,

**CRM-M-13795-2024****24**

unavailable to give consent for such compromise/settlement. This Court must sound a word of caution herein, viz., a plea for quashing an FIR under Section 306 of IPC/ Section 108 of BNS, filed solely on the basis of merits thereof is very much maintainable and ought to be considered and ratiocinated upon merits thereof. When offences of a grave and egregious nature, bearing profound and adverse ramifications on the collective psyche of society, are quashed on the pretext of a compromise-often entailing pecuniary considerations – it establishes a deleterious precedent. Such outcomes foster a perception that justice is susceptible to commodification, thereby favouring those with financial leverage. This pernicious impression undermines the foundational principles of the rule of law and erodes public confidence in 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.

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 slop (in bondages) isn’t all that much of a passivist victim – maybe he asked for it?”

15. As a result of above-said rumination, it is clear *nay* crystal clear that an FIR (as also proceedings emanating therefrom) under Section 306 of IPC/Section 108 of 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 compromise/settlement, by way of raising plea(s) on merits, including plea that offence of Section 306/Section

**CRM-M-13795-2024****25**

108 of BNS is not made out in the facts/circumstances of a given case, still such petition ought to be rejected.

Analysis (re facts of the present case)

16. The petition in hand has been filed for quashing of FIR No.0041 dated 03.11.2023 registered under Sections 306/34 of IPC at Police Station GRP, District Patiala, Punjab (as also all proceedings emanating therefrom) on the basis of compromise deed dated 11.03.2024 which, in essence pertains to suicidal death of one Sh. Baldev Krishan. Learned counsel for the petitioner has argued that once the entire matter has been settled, there would be no fruitful purpose served by allowing the proceedings to continue. It has been argued that the compromise in question is for betterment for all the concerned and hence it would met the ends of justice that the impugned FIR etc. are quashed. Indubitably, the impugned FIR pertains to the suicidal death of one Sh. Baldev Krishan, who, of-course, cannot possibly be a party to the compromise. In view of the discussion in law hereinabove, such petition ought not to be entertained and deserves rejection.

Decision

17. It is thus, directed as follows:

(i) The petition; seeking quashing of FIR No.0041 dated 03.11.2023 registered under Sections 306/34 of IPC at Police Station GRP, District Patiala, Punjab as also all proceedings emanating therefrom on the basis of compromise deed dated 11.03.2024; is dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the trial Court shall



CRM-M-13795-2024

26

proceed further, in accordance with law, without being influenced with this order.

(iii) There is no gainsaying that petitioner shall be at liberty, if so advised, to file appropriate proceedings; including a quashing petition under Section 528 of BNSS, 2023; for quashing of the FIR in question (as also all proceedings emanating therefrom) on merits thereof.

(iv). Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

January 24, 2025

Ajay

Whether speaking/reasoned: Yes

Whether reportable: Yes