

2025:PHHC:151180



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

327

**CRM-M No.1121 of 2025
Date of decision: 30.10.2025**

Gurjant Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rishu Mahajan, Advocate,
for the petitioners.

Mr. Durgesh Garg, AAG, Punjab,
for respondent No.1-U.T.

Mr. N.K. Banka, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking indulgence of this Court for the purpose of quashing of FIR No.71 dated 12.05.2023 registered under Sections 452, 307, 506, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959 at Police Station Lopoke, District Amritsar Rural, on the basis of a compromise which is stated to have been effected between the petitioners and the respondent No.2-complainant.

2025:PHHC:151180



2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the respondent No.2-Kulbir Singh alleging that one Milkha Singh had borrowed a sum of Rs.1,50,000/- from his father and an amount of Rs.50,000/- was left to be paid by him which he had promised to pay to the complainant since his father had died. However, the petitioner Gurjant Singh was causing hindrance in the same. On the night of 11.05.2023, some friends of the complainant had come to meet him at his house and when they were having tea, the petitioners being armed with weapons reached there. Petitioner-Resham Singh made an exhortation, petitioner-Malkit Singh fired a shot with his .315 bore gun thereby damaging the windshield of Safari vehicle of the complainant. All of them forcibly entered inside the house of the complainant and started firing indiscriminately with an intention to kill the complainant and his companions. Brickbats were also thrown upon them. Clamour raised by the complainant and his companions attracted the neighbourers and then the assailants fled away. After registration of FIR, investigation proceedings were initiated. The petitioners No.3, 5, 8 and 9 were declared innocent. Inquiry report was submitted. However, the said report was disapproved. The investigation now stands completed and the petitioners are facing trial for commission of aforementioned offences.

3. This petition has been filed by the petitioners on the ground

2025:PHHC:151180



that a compromise has been effected between them and the respondent No.2-complainant and he has agreed to get the aforementioned FIR quashed. The said compromise has also been reduced into writing and a copy thereof has been placed on record as Annexure P-2.

4. The respondent No.2 put in appearance through his counsel and admitted the factum of compromise. Direction was given to the parties to record their statements before the learned trial Court to show the genuineness of the compromise. The same have been duly recorded. The statement of Investigating Officer had also been recorded as per which no other case has been registered against the petitioner.

5. It is argued by learned counsel for the petitioners that even though an offence under Section 307 of IPC has been added in this case, however, it is a case of no injury. The compromise arrived at between the parties is genuine, voluntary and without any pressure. It is, thus, urged that the petition deserves to be allowed and the impugned FIR along with the subsequent proceedings is liable to be quashed.

6. Learned counsel for respondent No.2 has also submitted that he has no objection, if the petition is allowed and the impugned FIR is quashed.

7. On the other hand, learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioners. The offences including 307 of IPC are non compoundable. The case also falls

2025:PHHC:151180



under the category of heinous offences and is to be treated as a crime against the society and not against an individual alone. Keeping in view the gravity of offence, no case has been made out for quashing of FIR on the basis of the alleged compromise. Hence, it is urged that the petition is liable to be dismissed. In support of his arguments, he has relied upon the authority cited as ***State of Madhya Pradesh vs. Laxmi Narayan and others, (2019) 5 SCC 688.***

8. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

9. At the outset, it will be beneficial to look into the scope and ambit of the Court's power under Section 528 of BNSS (*which is pari materia with Section 482 of Cr.P.C.*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are placed before the High Court. The power conferred under this section is very specific and to secure the ends of justice or to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. The Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of

2025:PHHC:151180



inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. A celebrated pronouncement on this point is the case cited as *State of Haryana vs. Bhajan Lal, 1992 SUPP (1) SCC 335*, wherein several guidelines have been laid down. Some of them, which are relevant for the purpose of disposal of the present petition, are reproduced as under:

- “(1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;
- (2) Where the allegations in the First Information Report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;
- (4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

2025:PHHC:151180



(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

10. The next question that arises for consideration before this Court is that as to whether the powers under Section 528 of BNSS can be exercised to quash the criminal proceedings in respect of offence under Section 307 of IPC, which is obviously non-compoundable in nature. In this context, it will be proper to firstly make reference to the observations made by Hon’ble Supreme Court in case reported as ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466***, wherein it was observed as under :

“(vi) Offence under Section 307 I.P.C. would fall in the category of heinous and serious offence and

2025:PHHC:151180



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 I.P.C. 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 I.P.C. 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 I.P.C. 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.”

11. While placing reliance upon *Narinder Singh*'s case (supra) and

2025:PHHC:151180



several other judicial pronouncements, Hon'ble Supreme Court observed as under in *Laxmi Narayan*'s case (supra) :

“15.1. 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;

15.2. 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4. 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

2025:PHHC:151180



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/delicate 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 paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. 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 impact on society, on the ground that there is a

2025:PHHC:151180



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.”
(Emphasis supplied)

12. Now coming to the facts peculiar to the present case. As per the allegations, the petitioner-Malkit Singh had fired shot with some firearm damaging the windshield of the vehicle of respondent No.2. All the petitioners had entered inside the gate of the house of the respondent No.2 and had fired shots and had also thrown brickbats. No injury had been sustained by either member of the complainant party. The parties have amicably resolved their dispute. As such, this Court is of the firm opinion that the proceeding with trial would be a futile exercise as there are no chances of the conviction of the petitioners. As such, ends of justice certainly require that the settlement arrived at between the parties be given effect by quashing the proceedings and it would rather be an abuse of process of law to let the trial remain pending. In support of this opinion, reliance is placed upon the observations made by Hon’ble Supreme Court in a recent judgment titled as ***Naushey Ali and others vs. State of U. P. and others, 2025 INSC 182.***

13. In view the discussion as made above, the present petition is allowed and FIR No.71 dated 12.05.2023 registered under Sections 452,



307, 506, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959 at Police Station Lopoke, District Amritsar Rural, is hereby quashed qua the petitioners along with all the subsequent proceedings having emanated therefrom.

30.10.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No