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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9738-2025 (O&M)
Date of decision: 21.02.2025

Manjit Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

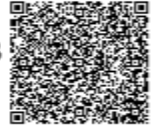
Present: Mr. Santokhwinder Singh Grewal (Nabha), Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Amandeep Singh Sidhu, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') [*now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS')*] for quashing of FIR No.196 dated 16.11.2016 under Sections 307, 447, 427, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 (for short 'the Act'), registered at Police Station Sidhwan Bet, District Ludhiana

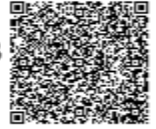


(Annexure P-1) and all the subsequent proceedings emanating therefrom.

2. Brief facts of the case, as per case set up by the prosecution, are that Ranjit Singh Patwari son of Pritam Singh was allegedly armed with 12 bore gun, Manjit Singh son of Pritam Singh was allegedly armed with revolver, Upneet Singh son of Manjit Singh was allegedly armed with a daang at the spot and Amaninder Singh son of Baldev Singh allegedly raised a lalkara for making an assault upon the victim-injured Balwant Singh. Complainant-respondent No.2 levelled specific allegations with regard to use of firearms in inflicting injuries on various parts of the body including on vital part i.e. chest and during his medical examination, following injuries were found to have been caused on the person of complainant-respondent No.2 Balwant Singh: -

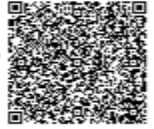
- “1. Gunshot wound 1x1 cm present over chest wall left side 4cm superolateral to left nipple.
2. Gunshot wound 1x1 cm present over antero-lateral side right forearm 4cm below elbow joint.
3. Gunshot wound 1x1 cm present over medial aspect right arm 8cm below shoulder joint.
4. Gunshot wound 1x1 cm present over lateral aspect of right side chest wall 8cm lateral to nipple & 7 cm below axilla.”

3. Learned counsel for the petitioners, *inter alia*, contends that FIR (*supra*) was registered on 16.11.2016 and charges were framed on 10.04.2017. It is a case of version and cross-version, which was registered vide DDR GD No.16 dated 17.11.2016. On the same set of allegations, during the



investigation, all other accused except the petitioners were declared innocent. The trial has not made much progress and only examination-in-chief of respondent No.2 has been conducted so far. Now with the intervention of respectables, the petitioners and respondent No.2, out of their free will and consent, have entered into a compromise and the matter has been amicably settled and on 05.01.2025, the compromise (Annexure P-9) was reduced into writing in the presence of village Headman and other respectables, as the petitioners and respondent No.2 are residents of same village. Learned counsel for the petitioners in this regard relies upon a judgment of the Hon'ble Supreme Court in *Naushey Ali and others Vs. State of U.P. and another*, passed in *Criminal Appeal No.660 of 2025, arising out of SLP Criminal No.3432 of 2023*, decided on 11.02.2025, in which it has been held that there is no embargo in quashing of FIR under Section 307 of IPC on the basis of compromise. He further relies upon a judgment of the Hon'ble Supreme Court in *Dimpy Gujral and others Vs. U.T. Chandigarh and others, 2013(11) SCC 497*, wherein it has been held that the offence under Section 307 of IPC can be termed as a private dispute and it does not impinge upon public interest and substantial justice.

4. *Per contra*, learned State counsel, assisted by learned counsel for respondent No.2, opposes the prayer made by the petitioners on the ground that FIR (*supra*) was registered in the year 2016 and now the trial has made



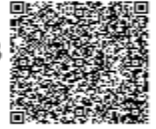
substantial progress and there are total 15 prosecution witnesses and all have been examined and thus, the trial is at the fag end. Further, this is second petition seeking quashing of FIR (supra) on the basis of compromise. Earlier, petitioner No.1 approached this Court seeking the same relief by filing CRM-M-29726-2017, which was dismissed as withdrawn on 11.10.2017.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. A three Judges Bench of the Hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab and another, (2012) 10 SCC 303*** has dealt with the issue, *in extenso*, with regard to exercising the power under Section 482 of Cr.P.C. (*now Section 528 of BNSS*) for quashing of FIR on the basis of settlement between the parties and in the said judgment, speaking through R.M. Lodha, J., following was observed: -

“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

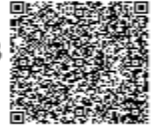
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criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of society and it is not safe to leave the crime- doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc; or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the

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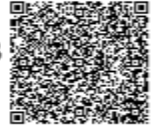
offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed.”

7. Further, the issue whether the High Court can exercise powers under Section 482 of Cr.P.C. (now Section 528 of BNSS) to quash the FIR under Section 307 of IPC on the basis of compromise, is dealt with by a three Judges Bench of the Hon’ble Apex Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688***, after discussing the ratio in ***Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466***, speaking through M.R. Shah, J., following was observed: -

“15. 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:

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

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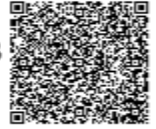
when the parties have resolved the entire dispute amongst themselves;

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 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 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,

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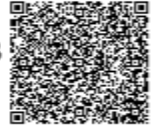


nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. 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;

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 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.

(Emphasis supplied).”

8. As per observations made by the Hon’ble Supreme Court in ***Laxmi Narayan***’s case (*supra*), it would be open for this Court to examine whether incorporation of Section 307 of IPC is there for the sake of it or whether factual ingredients breaching the threshold of Section 307 of IPC are *prima facie* available or not. This Court is required to examine the nature and extent of injuries, seat of injuries and nature of weapon used in inflicting the injuries. In this regard, the Hon’ble Supreme Court in ***Naushey Ali***’s case

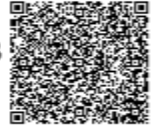


(*supra*), speaking through K.V. Viswanathan, J., has observed as under: -

“Coming back to Laxmi Narayan (supra), this Court has held that mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/ delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of chargesheet/framing of charges or during the trial.”

9. Now advertent to factual matrix of the present case, indubitably respondent No.2 suffered gun shot injuries with firearm and one of the injury suffered by respondent No.2 is on his chest. As such, after applying the test in **Laxmi Narayan**'s case (*supra*), considering the nature of injury and nature of weapon used in the commission of crime, it will be difficult to hold that no offence under Section 307 of IPC is made out.

10. The judgments relied upon learned counsel for the petitioners are distinguishable on facts. In **Naushey Ali**'s case (*supra*), the incident took place thirty three years ago and no one had suffered gunshot injury and the Hon'ble Apex Court, on the basis of facts of the case, held that at the most, offence alleged could be under Section 326 of IPC. In **Dimpy Gujral**'s case (*supra*), the Hon'ble Supreme Court quashed the FIR, as the same was registered on



account of a matrimonial dispute between the husband and wife and no such injury attracting Section 307 of IPC was suffered by the complainant.

11. Keeping in view the ratio of law laid down by the Hon'ble Supreme Court in the cases referred to above, this Court finds no ground to exercise the power under Section 482 of Cr.P.C. (*now Section 528 of BNSS*) for quashing of FIR (*supra*). Accordingly, the present petition is dismissed.

12. All the pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

21.02.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No