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

CRM-M-17608-2025

Date of decision: 01.04.2025

Mandeep Singh @ Mandeep Singh Gill and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Gaurav Datta, Advocate
for the petitioners.

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

Ms. Shrishti Sharma, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

1. This is the second petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.09 dated 18.02.2024 registered under Sections 307, 336, 427 and 149 Indian Penal Code,1860 (hereinafter IPC) and Sections 25 and 27 Arms Act,1959 at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 19.03.2025 (Annexure P-2).

2. Brief facts of the case are that there was a pre-existing issue pertaining to the vehicle bearing No.PB-46-Y-0091 between the parties, which led to a scuffle on 18.02.2024. As per the FIR(supra) petitioner No.2 shot respondent No.2 on his chest with the intention to kill him but fortunately he ducked and the bullet hit his right hand. Furtherance to which FIR(supra) was registered.



3. Learned counsel for the petitioners contends that both the parties are practising advocates therefore, with the intervention of Bar Association, the matter has been amicably compromised between them. He further contends that the injury is of non-grievous nature as it is posted on a non-vital part of the body. Additionally, the respondent No.2 has no objection in regards to quashing of FIR(*supra*) as mentioned in the compromise deed.

4. *Per contra*, learned State Counsel objects to quashing of the FIR(*supra*) based on compromise, in view of the fact that there was an intention to kill using arms hence will fall in the ambit of Section 307 of IPC which is not compoundable in nature.

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

6. As per observations made by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688***, 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 v. State of Uttar Pradesh***, passed in CRA- 660-2025, decided on 11.02.2025, speaking through Justice K.V. Viswanathan, 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.”

7. This Court is of the considered opinion that the offence under Section 307 IPC is not just an offence against an individual but due to its very nature, it is serious crime committed against society. Now advertent to factual matrix of the present case, petitioner No.2 fired a gunshot with the clear intent to kill, and it was only because the victim ducked that the bullet struck his right hand instead of a vital body part. Such an act shows a complete disregard for human life and poses a grave danger to public safety. Even though the parties have reached a compromise, the gravity of the offence cannot be ignored. Allowing the FIR(*supra*) to be quashed in such cases would not only set a dangerous precedent, undermining the justice system but also send a wrong message to society. Hence, this Court finds no justification to quash the FIR(*supra*).

8. In view of the discussion above, the present appeal is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.04.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No