



CRM-M-23141-2024

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

CRM-M-23141-2024

Date of decision:18.08.2025

Surjeet Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tushar Wadhwa, Advocate for the petitioners.

Mr. Gaurav Gurcharan S. Rai, Sr. DAG Punjab.

Mr. Ajay Kamboj, Advocate for respondent No.2.

SUMEET GOEL, J.

1. The present petition has been preferred by the accused – Surjeet Singh, under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.13 dated 03.03.2024 (hereinafter to be referred as the impugned FIR) registered under Sections 307, 452, 427 of IPC and Sections 25, 27 of the Arms Act at Police Station Makhu, District Ferozepur on the basis of compromise dated 03.04.2024 (copy whereof has been appended as Annexure P-7 with the present petition).

2. The gravamen of the impugned FIR is that the complainant namely Mukhtyar Singh, son of Mohinder Singh, aged 60 years, resident of Tibbi Ranga, P.S. Makhu alleged that he is farmer by profession and father of three married children namely Kulwant Kaur, Manjit Singh and Surjeet Singh (petitioner herein). On the day of occurrence i.e. 29.02.2024, the complainant alleged that he had engaged a mason to construct a wall near his cattle shed and his son, namely, Surjeet Singh (petitioner herein) objected



and began abusing him. Despite persuasion by the complainant - father, the son of the complainant namely Surjeet Singh (petitioner herein) become aggressive, pull out his revolver and fired two shots at the complainant with intent to kill. One of the bullets struck in the neck of the complainant while the another on the face. Thereafter, the complainant ran inside the house but the said accused namely Surjeet Singh followed his father with his weapon, attempting to shoot his elder son namely Manjit Singh through a broken window but the shot misfired. As the people gathered, the accused Surjeet Singh fled along with his revolver. The complainant - father was rushed to the Civil hospital, Zira from where he was referred to GGS Medical College, Faridkot and underwent the surgery. It was alleged by the complainant that the dispute arose over construction of the wall at the cattle shed. Based on these set of allegations, the impugned FIR was got registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the impugned FIR as he could never harbor any intention to cause harm to his own father, who is the complainant. It has been further iterated that the impugned FIR appears to be frivolous as it is based on flimsy grounds. Furthermore, no offence under Sections 25 or 27 of the Arms Act is made out as the petitioner holds a valid gun license. According to learned counsel, the incident arose out of a sudden heat of the moment without premeditation and hence the ingredients of Section 307 IPC are not made out. Moreover, the parties, being close relatives (father - son) have since resolved their differences and in order to keep peace as also harmony, they do not want to pursue the 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 petitioner. Thus, it has been iterated that the petition in hand be allowed.

4. State of Punjab has filed a status report by way of affidavit of Fateh Singh Brar, Deputy Superintendent of Police (D)/Additional Charge of DSP (SD), Zira, District Ferozepur. Referring to the said reply, learned State counsel submits that the impugned FIR was got registered on the complaint of respondent No.2, who is the father of the accused. However, pursuant to the directions of this Court, the statements regarding the compromise have been duly recorded before the learned trial Court on 28.05.2024 followed by the statement of the Investigating Officer on 01.07.2024. As per the police record, the petitioner is not involved in any other criminal case. However, he has emphasized that the offence under Section 307 IPC is a grave and heinous offence and even if the parties have arrived at a compromise, the gravity of the allegations under Section 307 IPC cannot be diluted merely on that basis. He has, thus, prayed for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant-respondent No.2 submits that the parties, being close family members, have amicably resolved their disputes and reduced the same into compromise. In view of the settlement, the complainant-respondent No.2 has no objection if the present FIR be quashed.

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



7. Before delving into merits of the case, it would be apposite to refer herein to a judgment passed by this Court titled as ***Earndeep Kaur @ Irandeep Kaur and another vs. State of Punjab and another; 2025(1) Law Herald 421***, wherein this Court, while relying upon various judgments of the Hon'ble Supreme Court titled as ***Gian Singh vs. State of Punjab and another, 2012(10) SCC 303; Narinder Singh vs. State of Punjab, 2014(6) SCC 466, Parbatbhai Aahir @ Parabatbhai Bhimsinhbhai Karmur and Ors. Vs. State of Gujarat and anr. AIR 2017 SUPREME COURT 4843; State of Madhya Pradesh vs. Laxmi Narayan and others AIR 2019 SUPRME COURT 1296 and Daxaben vs. State of Gujarat & Ors. 2022 AIR Supreme Court 3530***, has held as under:

“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.

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 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)."*

8. Reverting to the factual *milieu* of the case in hand, the prime allegation against the petitioner is that on 29.02.2024, during a dispute over construction of a wall near the cattle shed, he allegedly opened fire with his revolver at his own father-complainant Mukhtiar Singh with intent to kill. It is further borne out from the record that the petitioner pursued his father into



the house, attempted to fire at his brother namely Manjit Singh through a broken glass window and thereafter fled from the spot with his weapon.

8.1. The allegations against the petitioner are of serious nature wherein he is alleged to have fired two shots at his own father with intent to kill resulting in grievous injuries on vital parts of the body and thereafter attempted to fire at his brother as well. As per the Medico Legal Report placed on record, two injuries were found on the person of the complainant-injured. The first injury was a punctured lacerated wound over the front of the neck and the second was a punctured lacerated wound over the left side of the face below left eye. As per the opinion of the doctor, both the injuries were grievous in nature and declared dangerous to life. The nature and dimension of the injuries, particularly the wound over the neck, clearly falling within the ambit of grievous hurt. In view of the MLR and the medical opinion declaring the injuries grievous and dangerous to life, the submission of the petitioner seeking to dilute the offence is devoid of merit. In the considered opinion of this Court, the gravity of the offence, the deliberate use of firearm and the attending circumstances clearly attract the ingredients of Section 307 IPC. This Court cannot lose sight of the fact that the offences under Section 307 IPC are treated as heinous crimes as they involve a direct assault on human life and have the potential to disturb public peace and security. While the compromise placed on record may reflect subsequent reconciliation between the family members, it cannot erase the severity of the allegations. Permitting quashing in such circumstances would set dangerous precedent where serious offences involving violence and firearms could be quashed on the basis of private settlements thereby



defeating the deterrent object of criminal law. This Court is of the considered opinion that the compromise, if any, can at best be considered by the trial Court at the stage of sentencing but it cannot be made the basis for quashing the FIR.

9. It is unequivocal that the plenary powers vested in a High Court, by virtue of its very constitution, are to be exercised with 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.



10. Furthermore, it is pertinent to note that the plea of the petitioner for anticipatory bail was dismissed by the trial Court on 25.04.2024 and despite the said order, the petitioner has not submitted himself to the process of law and continues to remain at large. This factor also, by itself, is sufficient to decline the plea in hand.

11. As an upshot of above rumination, it is directed as follows:

- (i) The petition; seeking quashing of FIR No.13 dated 03.03.2024 registered under Sections 307, 452, 427 of IPC and Sections 25, 27 of the Arms Act at Police Station Makhu, District Ferozepur on the basis of compromise dated 03.04.2024; 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 proceed further, in accordance with law, without being influenced with this order.
- (iii). Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 18, 2025
Ajay

Whether speaking/reasoned:	Yes
Whether reportable:	Yes