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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5526/2025 & CRL.M.A. 23659-23660/2025**

HARSH SHARMA ALIAS CHACHE AND ANRPetitioners

Through: Mr. Nikhil Rana, Ms. Jaya Sharma
and Mr. Kamal Kishore Meena,
Advocates for the Petitioners along
with the Petitioners in person.

versus

STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Ajay Vikram Singh, APP for the
State.
Mr. Shailender Singh, Advocate for
Respondent No. 2 & 3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.09.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks quashing of FIR No. 653/2024 dated 3rd October, 2024, registered under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023² read with Sections 25 and 27 of the Arms Act, 1959³ at P.S. Narela and all consequential proceedings emanating therefrom. Upon conclusion of investigation, a chargesheet has been filed against the Petitioners adding Section 3(5) of BNS.

¹ "BNSS"

² "BNS"

³ "Arms Act"



2. The case of the prosecution, in brief, is that on the night of 3rd October, 2024, when Pardeep Khatri (the Complainant/Respondent No. 2) was walking with his younger brother Mohit (Respondent No. 3), one Darsh Sharma @ Chacha (Petitioner No. 1) arrived on a scooter accompanied by another individual, subsequently identified as Sahil (Petitioner No. 2). It is alleged that Petitioner No. 1 alighted from the vehicle, pointed a pistol at the Complainant, and fired with the intention to kill; however, the Complainant escaped unharmed. The alleged motive is traced to an altercation that had occurred about a month and a half earlier near Ramleela Maidan, Narela, involving Petitioner No. 1 and Respondent No. 3 over a car-related incident, following which he is said to have harboured animosity towards Respondents No. 2 and 3. Accordingly, the impugned FIR was registered

3. This petition is premised on a post-incident settlement between the Petitioners and Respondents No. 2 and 3. In support of the prayer for quashing, counsel for the Petitioners cites an order of this Court in CRL.M.C. 647/2021, where an FIR under Section 307 of the Indian Penal Code, 1860⁴ [corresponding to Section 109(1) of BNS] was quashed on the basis of a compromise, factoring the youth of the accused, absence of antecedents, the remorse expressed, and the complainant's desire to close that matter.

4. Having considered the afore-noted facts and submissions, this Court remains unpersuaded. The inherent jurisdiction under Section 528 of BNSS (corresponding to Section 482 of the CrPC) is extraordinary and must be invoked sparingly, its purpose being to prevent abuse of the process of any court and/or to secure the ends of justice. It is not a mechanism to close



prosecutions for grave and heinous offenses merely because the complainant and the accused have reached a private settlement. Where the allegations disclose conduct that threatens public order and safety, the law recognises that the dispute transcends the parties involved and cannot be resolved by compromise.⁵

5. In *State of M.P. v. Laxmi Narayan*,⁶ the Supreme Court dispelled any doubt, holding that the offences under Section 307 of the IPC and the Arms Act are “heinous and serious”, amounting to crimes against society, and cannot ordinarily be quashed on the basis of compromise:

“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...”

[Emphasis Supplied]

The rationale is clear: the alleged use and discharge of a firearm in a public setting constitute not only a direct threat to the life of the individual concerned but also a disruption of public order. The Arms Act, as a special legislation, was enacted precisely to deter such conduct by imposing stringent controls on the possession and use of firearms.

6. The decision in *Laxmi Narayan* carves out a narrow exception. In borderline cases under Section 307 IPC, where the injuries are demonstrably minor, the use of a weapon is doubtful, or the record suggests an absence of

⁴ “IPC”

⁵ see *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466; *Parbatbhai Aahir v. State of Gujarat*, (2017) 9 SCC 641.

⁶ (2019) 5 SCC 688.



intent to kill, the High Court may examine whether the charge has been exaggerated and whether the dispute is genuinely of a private character. The present case does not fall within this limited category. The allegation here is not of mere brandishing or an empty threat; it concerns an actual shot fired from a pistol at the Complainant. The allegations in the FIR, taken together with the recovery of the weapon and the addition of charges under Sections 25 and 27 of the Arms Act, place this matter well beyond the scope of a personal altercation. It raises serious concerns relating to public safety and its confidence in the administration of justice, which are concerns that cannot be resolved by a private settlement.

7. Turning now to the ruling cited by the Petitioners. The order in CRL.M.C. 647/2021, turned on facts, materially differs from the present case. The accused in that matter was a 21-year-old first-time offender who acted in the heat of a quarrel. The weapon involved was a knife, picked up spontaneously; there was no allegation of firearm use. The accused had already undergone custody, expressed remorse, and the complainant therein sought closure to avoid compounding hardship for a young offender. In that specific factual context, this Court regarded the charge as borderline or over-pitched and exercised its discretion to quash the FIR. The ratio is thus fact-bound and does not lay down any general principle to neutralise grave offences on the basis of compromise.

8. The present case, however, is distinguishable on multiple counts. Here, the allegations involve a deliberate use of a firearm, not an impulsive use of an object at hand. The allegation is not of mere brandishing but of an actual shot fired from a pistol at the Complainant. That the Complainant escaped without injury is immaterial; the gravamen lies in the discharge of a



firearm in a public setting, which is *per se* a grave threat to life and public order. The prosecution asserts recovery of the weapon and a fired bullet, with the opinion of FSL linking the discharge to the recovered firearm. The incident is also stated to be the sequel to an earlier quarrel, suggesting sustained *animus* rather than a sudden, isolated flare-up. These are matters of *mens rea*, recovery, ballistics, and corroboration, issues that lie within the trial court's jurisdiction and are not amenable to a threshold determination in a petition under Section 528 of BNSS.

9. The plenitude of power conferred by Section 528 of BNSS (corresponding to Section 482 of CrPC) obliges the High Court to exercise it with utmost care and caution. The very nature and scope of this power demand that it be exercised sparingly and only when the Court is, for reasons recorded, clearly satisfied that the continuance of the prosecution would amount to an abuse of the process of law. The present case does not fall within that category. Having regard to the gravity of the allegations, the deliberate use and discharge of a firearm, and the statutory purpose underlying the Arms Act, this Court is of the considered view that a private compromise cannot serve as a basis for quashing the proceedings. To permit quashing in such circumstances would frustrate the very object of the Arms Act, undermine public confidence in the administration of criminal justice, and send an unwarranted signal that even serious offences against public safety may be settled privately.

10. The petition, therefore, lacks merit and is dismissed. All pending applications also stand disposed of.

11. It is clarified that nothing in this order shall be construed as an expression on the merits of the case at trial, which shall proceed



uninfluenced by these observations.

SANJEEV NARULA, J

SEPTEMBER 2, 2025/MK