



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

CRM-M-3727-2026 (O&M)

Date of decision: 21.05.2026

Simranjeet Singh

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Petitioner in person.

Mr. Parminder Singh Sekhon, Sr. Advocate with
Mr. Rajdeep S. Gill, Advocate for the petitioner(s).

Mr. Apoorv Garg, Addl. AG Haryana.

Respondent No.2-Joginder Singh, father of petitioner in person.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of FIR bearing No.332 dated 10.11.2025, under Section(s) 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959, registered at Police Station Bhuna, Tehsil and District Fatehabad, along with all the subsequent proceedings arising therefrom on the basis of compromise dated 30.11.2025 (Annexure P-2).

2. Briefly stated, the present FIR was registered on the complaint/statement of Joginder Singh, who alleged that on 10.11.2025 at about 11:30 A.M., his son Simranjeet Singh fired a shot at him from a licensed double-barrel gun. As per the complainant, the shot fortunately did not hit him and instead struck a cupboard kept inside the house. It was

further alleged that at the relevant time, the complainant's wife immediately proceeded to the nearby police station, brought the police officials to the spot and thereafter the accused was apprehended and the complainant was taken to the police station. The complainant further alleged that the conduct of the accused had created serious apprehension regarding the safety of himself and his wife and accordingly sought legal action against Simranjeet Singh as well as protection to prevent any untoward incident in future.

3. However, with the intervention of the respectables, the parties have decided to compromise the matter. Hence, the present petition.

4. The parties were directed to appear before the trial Court/Illaq Magistrate vide order dated 23.01.2026 and subsequent orders of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

5. Pursuant to the said order, report has been received from Judicial Magistrate 1st Class, Fatehabad vide Memo No. 259 dated 19.03.2026. The relevant extract of the report is reproduced as under:-

“At this stage, Simranjeet Singh (accused) appeared before the Court and suffered a statement to the effect that on the complaint of his father namely Joginder Singh son of Pritam Singh, FIR No.332 Dt. 10.11.2025, u/s 109(1) of BNS and 27 of Arms Act, P.S. Bhuna (Fatehabad) was registered against him. His father lodged this FIR due to misunderstanding and in haste. He and his father are having very good relations with each other. Compromise dated 30.11.2025 has been effected between him and his father for

cancellation of this FIR. He is not a previous convict. He is neither involved in any other criminal case nor has been declared PO. No other case is pending against him. He stated that he is only accused in this case and there is no other accused. There is no other effected party in this case except him and his father. Compromise dated 30.11.2025 is correct and proper and same has been entered into with their consent, out of sweet will, without pressure or inducement from any side. He requested that this case be closed and proceeding of quashing of this FIR be carried out accordingly. His statement and signature has been duly identified by his Learned Counsel.

Thereafter, complainant Joginder Singh appeared before the Court and suffered a separate statement that he is complainant and his son Simranjeet Singh is accused in this case/FIR. On his complaint, an FIR No.332 dated 10.11.2025, u/s 109(1) BNS and 27 of Arms Act PS. Bhuna (Fatehabad), was registered. He lodged the said FIR against his son due to some misunderstanding and in haste. There is no dispute or conflict between them. They are maintaining very good relations with each other. In this case, compromise dated 30.11.2025, has been effected with his son. This compromise has been effected voluntarily, willingly without pressure or inducement from any side. The compromise is correct and proper. He does not want to proceed with this FIR against his

only son Simranjeet Singh (accused). This FIR be quashed against his son. He further stated that in this FIR, he is the only complainant and Simranjeet Singh is the only accused. There is no other effected party in this FIR. He does not have any objection in quashing of this FIR on the basis of compromise dated 30.11.2025. He has suffered this statement voluntarily, willingly, in sound health and mind. His statement and signature has been duly identified by his Learned counsel.

Thereafter, ASI Devender appeared before the Court and suffered statement to the effect that he is Investigating Officer in FIR No.332 Dt. 10.11.2025 u/s 109(1) BNS and 27 of Arms Act. He has carried out the entire investigation in this FIR and after completion of investigation, Challan has been filed in the Court. Simranjeet Singh is the only accused in this case. He further stated that Joginder Singh is the only complainant/victim in this case. Quashing petition has been filed in Hon'ble High Court in which both are parties. There is no other effected party in this FIR. Accused Simranjeet Singh has neither been declared as Proclaimed Offender in this case nor any other FIR/complaint is pending against him nor he is involved in any other case. This compromise has been entered into between father Joginder Singh and son Simranjeet Singh without any coercion or undue influence from any side. There is no other effected party in this case/FIR.

In view of the statements of accused and complainant, it appears that the parties have compromised the matter in dispute voluntarily, without any pressure, coercion, undue influence from any side and the compromise is genuine. Complainant does not have any objection for quashing of the instant FIR.”

6. Reply filed by way of affidavit dated 05.05.2026 on behalf of respondent-State is already available on file and the same is taken on record. Registry is directed to do the needful.

7. Respondent No.2-complainant, who is present in person before this Court, reiterates the factum of compromise arrived at between the parties and affirms his consent to the quashing of the present FIR as well as all consequential proceedings arising therefrom, in terms of the statement already suffered by him before the Trial Court.

8. Respondent No.2 further submits that the firearm in question had gone off accidentally and that an intimation regarding the said incident had also been furnished to the Superintendent of Police, Fatehabad. He additionally clarifies that no gunshot had in fact been intentionally fired towards him by the petitioner and that the incident did not involve any deliberate attempt to cause injury to him.

9. Learned State counsel does not dispute the factum of the compromise amongst the parties. He, however, submits that the petitioner has been charged with commission of offence under Section 109(1) BNS, which is non-compoundable.

10. Learned counsel appearing on behalf of the petitioners submits

that the incorporation of the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 is wholly misconceived and unsupported by the factual matrix emerging from the FIR as well as the material collected during investigation. He contends that in view of the submission of respondent No.2 (father of the petitioner) offence under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 is not made out as neither there was any intention of committing the offence nor any injury has been caused.

11. Learned counsel appearing on behalf of the petitioner contends that the essential ingredient for attracting an offence punishable under Section 109(1) BNS is the existence of a clear intention or knowledge to cause death of such nature that, had death ensued, the act would have amounted to murder. It is submitted that the allegations levelled in the present case, even if taken at their face value, do not disclose the existence of any such deliberate or premeditated intention on the part of the petitioner.

12. Learned counsel further submits that, as per the version now reiterated by respondent No.2 himself before this Court, the firearm in question had gone off accidentally and no shot was intentionally fired or fired towards the complainant. It is argued that there is no allegation suggesting any conduct indicative of a conscious or determined attempt to cause death. On the contrary, the material on record prima facie indicates absence of any deliberate targeting of the complainant.

13. It is further contended that the very fact that the gunshot hit a cupboard and not the complainant himself probabilises the defence version that the firing was accidental in nature. Learned counsel submits that respondent No.2 has also supported the said position by specifically stating

before this Court that no firearm shot was directed towards him intentionally and that even an intimation regarding the accidental firing had been furnished to the Superintendent of Police, Fatehabad.

14. Learned counsel thus argues that the invocation of Section 109(1) BNS appears to be wholly misconceived and unsupported by the basic ingredients necessary to constitute an offence of attempt to murder. It is submitted that the allegations, at best, disclose an unfortunate accidental incident and do not satisfy the statutory requirement of intention or knowledge contemplated under Section 109(1) BNS.

15. Learned State counsel, does not dispute the aforesaid legal position so advanced. He fairly submits that the application of Section 109(1) BNS in the given factual matrix would, at most, be circumstantial and not supported by any material indicative of an intention to commit an offence of such magnitude.

16. In the case of '**Narinder Singh and others Vs. State of Punjab and another**' reported as **(2014) 6 SCC 466**, Hon'ble Supreme Court has laid down the guidelines for exercising powers under Section 482 Cr.P.C. for quashing of proceedings. The relevant paragraphs are extracted as under:-

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to

accept the settlement with direction to continue with the criminal proceedings:

29.1. *Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for the offences alleged to have been committed under special statute 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.

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are 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 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 proving 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. 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 latter 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.

29.7. *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is*

because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

17. The Hon'ble Supreme Court in the case of ***Yogendra Yadav & Others v. State of Jharkhand & Another*** reported as **(2014) 9 SCC 653** has held that although non-compoundable offences cannot be formally compounded, the High Court can still quash such criminal proceedings in appropriate cases by exercising its inherent powers under Section 482 Cr.P.C., if the parties have genuinely and voluntarily settled their dispute. The Court has held that this power must be exercised on a case-to-case basis. Serious and heinous offences affecting society at large, such as rape or murder, cannot be quashed on the basis of compromise. However, where the dispute is purely personal, does not affect public peace, the victim has no objection and continuation of proceedings would serve no useful purpose, the High Court may quash the case to secure the ends of justice and avoid unnecessary waste of judicial time. The relevant extract thereof reads as thus:

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab, 2012(4) RCR (Criminal) 543 : 2012(4) Recent Apex Judgments (R.A.J.) 549 : (2012)10 SCC 303). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances

of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

18. The following relevant factors emerge from perusal of the case as well as the subsequent developments supplementing a case for invocation of the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023:-

- a. It is evident from a perusal of the record that the parties are father and son.
- b. Respondent No.2 has voluntarily appeared before this Court and reiterated the compromise arrived at between the parties without any pressure, coercion or undue influence.
- c. Respondent No.2 has also specifically stated before this Court that the firearm had gone off accidentally and that no gunshot was intentionally fired towards him by the petitioner. The same is also supported by his affidavit.

- d. The allegations on record do not prima facie disclose the existence of any deliberate intention or premeditated design to cause death so as to attract the rigours of Section 109(1) BNS.
- e. The fact that the gunshot hit a cupboard and not the complainant probabilises the version that the firing was accidental rather than intentional.
- f. The continuation of criminal proceedings in the peculiar facts and circumstances of the present case would serve no fruitful purpose, particularly when the complainant himself is no longer desirous of pursuing the matter.
- g. The possibility of conviction in the present case has become extremely remote in view of the stand now adopted by respondent No.2.
- h. The dispute appears to have arisen out of a personal and domestic discord between family members and does not involve any element affecting public peace, societal morality or the security of the State.
- i. Continuation of the criminal proceedings would unnecessarily consume valuable judicial time despite the matter having been amicably resolved between the parties.
- j. Quashing of the FIR would promote peace, harmony and cordial relations between the family members and would secure the ends of justice.

- k. There is nothing on record to suggest that the petitioner is a habitual offender or that the alleged occurrence forms part of any continuing criminal conduct.
- l. In the peculiar facts and circumstances of the case, the continuation of proceedings would amount to abuse of the process of law and would operate with undue harshness upon the parties despite complete settlement of the dispute.

19. In view of the report of the Judicial Magistrate 1st Class, Fatehabad and the principles laid down by the Apex Court on the subject, the instant petition is allowed. FIR bearing No.332 dated 10.11.2025, under Section(s) 109(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959, registered at Police Station Bhuna, Tehsil and District Fatehabad, along with all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s) on the basis of compromise dated 30.11.2025 (Annexure P-2).

20. Petition is ***allowed***.

(VINOD S. BHARDWAJ)
JUDGE

21.05.2026

Mangal Singh

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