



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-3166-2026
Date of decision: 13.05.2026

SHAMSHERPetitioner

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

Present: - Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

Mr. Lokesh Garg, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.493 dated 15.12.2025 registered under Section 125(b), BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 at Police Station Gannaur, District Sonipat, along with all subsequent proceedings arising therefrom on the basis of compromise dated 12.01.2026 (Annexure P-2).

2. The above FIR had been registered on the complaint of Satpal son of Achpal, resident of Village Bhodwal Majri wherein it is alleged that

on 12.12.2025, he along with his friends Sanjay resident of Bhodwal Majri and Suresh resident of Dehra, went in his vehicle bearing registration No. HR70G1985 (THAR) to village Gadhi Jhajhrai to attend the 17th day death ceremony of the mother of his acquaintance Ramesh. At the said place, their friend Shamsheer resident of Bhuri met them carrying a pistol. Shamsheer requested the complainant to give him the vehicle for bringing some goods. After some time, he returned with the vehicle along with one of his friend. While standing near the vehicle, Shamsheer picked up the pistol which was lying on the dashboard of the car, whereupon the pistol accidentally turned off due to his negligence. The bullet pierced through the front windshield of the vehicle and struck the complainant on the right side of his chest, causing serious injuries. Thereafter, Sanjay and Suresh immediately shifted the complainant to Government Hospital, Samalkha and subsequently to Amrit Hospital, Samalkha, where he is undergoing treatment.

3. It is however averred that with the intervention of the respectables from both sides, the matter has now been settled and amicably resolved. It is further submitted that the compromise amongst the parties was effected on account of free will and without any pressure and coercion.

4. Pursuant to the order dated 21.01.2026, a report has been received from the Sub Divisional Judicial Magistrate, Ganaur vide Memo No. 24 dated 10.03.2026. The relevant extract of the report reads thus:-

(i) Number of persons(s) arrayed as accused in the FIR.

Ans. The present FIR was lodged against one person. During investigation, following accused was arrested in the present FIR:

1. Shamsheer s/o Premchand r/o village Bhuri, Tehsil Ganaur,

District Sonipat

(ii) Number of the complainant/victim in the present FIR.

Ans. As per our record, there is one complainant whose details are as under:-

1. Satpal s/o Achpal r/o village Bhodwal Majri, District Panipat (complainant)

(iii) Whether during investigation, any additional accused has been added and he/she is a party to the compromise.

Ans. During investigation, no additional accused was added.

(iv) Whether any of the accused has been declared absconder/proclaimed person(s).

Ans. As per our record, no accused was declared proclaimed offender in the present case or in any other case.

(v) Whether after the registration of the FIR, any offence was added or deleted during investigation.

Ans. The FIR was registered under Sections 125(b) BNS & 25, 27 of Arms Act. During investigation Section 25 of Arms Act was deleted and Section 30 of Arms Act was added.

(vi) Whether any other criminal case or proceedings is pending against the accused.

Ans. No other criminal case or proceeding is pending against any of the accused, as per record available.

In view of the statements of the interested parties, I am satisfied that, they have compromised the matter amongst themselves without any fear or pressure and that the compromise has been voluntarily arrived at between them.

*Statement of compromise before this court has been made by complainant Satpal s/o Achpal and accused person namely Shamsher s/o Premchand. **Compromise deed is placed on record.** Also copy of payment receipt dated 13.02.2026 regarding depositing cost of Rs. 15,000/- with DHFWS SKS*

USERFEES CS OFFICE, PKL as per order dated 21.01.2026 passed by the Hon'ble High Court placed on record.

5. Learned State counsel does not dispute the factum of the compromise amongst the parties and does not have any serious objection to the resolution of the dispute amongst the parties.

6. Mr. Lokesh Garg, Advocate appears on behalf of respondent No. 2 and reiterates the settlement and her concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

7. The broad principles governing the exercise of powers under Section 482 of the Code of Criminal Procedure were summarized by the Hon'ble Supreme Court in the matter of ***“Narinder Singh versus State of Punjab”*** (2014) 6 SCC 466' wherein it was held as under:

“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.

8. On consideration of the above, the following relevant factors emerge for supplementing a case for invocation of the powers under Section 528 of BNSS, 2023:-

- a. It is established from the report of Sub Divisional Judicial Magistrate, Ganaur that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. Petitioner is aged 38 years and continued incarceration in a criminal case will cause severe repercussions to the petitioner in discharge of his social obligation as well as at his work place.
- c. The FIR in question pertains to the year 2025 and therefore; the case is still at an initial stage. Putting an end to the proceedings will bring peace and tranquility among parties.
- d. The offence(s) in question cannot be said to be heinous or that would be shocking to the collective conscience of the society. It can also not be termed as one shocking to the conscience of the Court;
- e. The occurrence in question occurred due to negligent handling of pistol by Shamsher. There was no prior enmity between the parties.

f. Continuation of the proceedings, with the complainant unlikely to support the case of the prosecution, would serve no larger public purpose and would only result in a waste of judicial time.

9. In view of the report submitted by the Sub Divisional Judicial Magistrate, Ganaur and having regard to the settled principles laid down by the Hon'ble Supreme Court on the subject, the instant petition is allowed. The aforesaid FIR No.493 dated 15.12.2025 registered under Sections 125(b) BNS and Sections 25, 27 of the Arms Act, 1959 at Police Station Gannaur, District Sonipat and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated 12.01.2026 (Annexure P-2).

Petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 13, 2026
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No