



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-38444-2025
Date of decision: 11.02.2026

HARJINDER SINGH AND ANOTHERPetitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

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

Present: - Ms. Meena, Advocate
for the petitioners.

Mr. Saurav Verma, Addl. A.G. Punjab

Mr. Jagjeet Singh, Advocate for
Mr. P.S. Kanwar, 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.14 dated
21.01.2020 under Sections 307, 148 and 149 of the Indian Penal Code, 1860
and Section 25 of the Arms Act, 1959 registered at Police Station City Tarn
Taran, District Tarn Taran along with all subsequent proceedings arising
therefrom on the basis of compromise (Annexure P-2).

2. The present FIR was registered on the statement of Harjit Kaur

W/o GurParkash Singh, the same reads as under:-

“..... I am resident of above mentioned address and is BA pass and in the year 2014 my marriage was got solemnized at Village Rajoke. That I am having dispute with my family members as such I am residing alone at the aforesaid address. I am having my own house and since 2014 I am residing at the said address. In my house one family is residing on rent. Today at about 8 PM I was present in my house and my tenant Jatinder Singh son of Charanjit Singh resident of Lakha Singh plot, Sultanwind Amritsar and his son Ranvir Singh aged about 12 years were present at the house and then one car i20 white in colour came with 7/8 unidentified person and I heard the noises of abusing me from outside. That I came outside in the balcony and saw and then these unidentified persons started firing gun shots towards me and I moved backward and got my life saved. That the gun shot passed through the iron sheet of the shop in my house and hit on the wall of my house. These aforesaid unidentified persons with intention to kill me have fired gun shots upon me and on my house. That I and my neighbors raised hue and cry and on hearing our cries the aforesaid persons ran away from the spot along with their respective weapons.”

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. Looking in the totality of circumstances and settlement, parties were directed to appear before the Illaqa Magistrate to get their statements recorded.

5. Pursuant to the order dated 29.09.2025, a report has been received from the Chief Judicial Magistrate, Tarn Taran vide Memo No. 700

dated 17.11.2025. The relevant extract of the report reads thus:-

- (i) *There is one victim/complainant in FIR. All the victim/complainant are party to the compromise. That there are total 2 accused party to compromise.*
- (iii) *During investigation no additional accused has been added.*
- (iv) *None of the accused has been declared as Proclaimed absconder.*
- (v) *There is no investigation pending against any of the accused nor any accused has been declared as innocent.*

6. 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.

7. Mr. Jagjeet Singh, Advocate for Mr. P.S. Kanwar, Advocate appear on behalf of respondent No. 2 and reiterate the settlement and their concurrence to the quashing of the FIR alongwith all the other consequential proceedings.

8. Counsel for the parties submit that it is a no injury case and offence under Section 307 of the IPC has been levelled on the basis of an intention, notwithstanding that no injury has been suffered by the complainant/victim. The shot was fired on the house and seemingly with an intent to scare than to cause any injury.

9. 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 under Section 320 Cr.P.C. 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.

10. 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 Chief Judicial Magistrate Tarn Taran that a compromise has been effected voluntarily between the parties and the same is genuine and without any coercion or any undue pressure.
- b. Although allegations of firing have been levelled, it is an admitted position that no person sustained any injury. Neither the complainant nor the tenant and his minor son suffered any physical harm. The absence of bodily injury significantly mitigates the gravity of the occurrence.
- c. The alleged act did not result in loss of life or grievous hurt and was seemingly intended to scare than to cause any injury. The case, therefore, does not fall within the category of offences involving actual physical harm to human life.
- d. The petitioners have no prior criminal history. They are not habitual offenders, nor are they shown to be involved in any

other criminal case.

- e. Both the petitioners are in their late thirties and continued incarceration in a criminal case will cause severe repercussions to the petitioners in discharge of their social obligation as well as at their work place and may adversely impact their careers.
- f. The incident arises out of localized personal enmity rather than organized criminal activity, thus, the matter may have a predominantly private character.
- g. 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;
- h. 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.

11. In view of the report submitted by the Chief Judicial Magistrate, Tarn Taran 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.14 dated 20.01.2020 under Sections 307, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station City Tarn Taran, District Tarn Taran and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise dated (Annexure P-2). However, the same would be subject to

payment of costs of **Rs.25,000/-** to be deposited by each of the petitioners with the ***High Court Legal Services Committee***” within a period of two months of receipt of certified copy of this order.

Petition is allowed.

FEBRUARY 11, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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