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

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Date of Decision:-27.04.2026

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BALDEV SINGH AND OTHERS**.....PETITIONERS****VS.****STATE OF PUNJAB AND OTHERS****.....RESPONDENTS****CORAM:-HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioners.

Mr. Shubham Mangla, A.P.P., U.T., Chandigarh.

Mr. Balwinder Singh, Advocate
for respondents No.2 to 4.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the DDR No.43 dated 15.02.2019 under Sections 323 and 34 of IPC registered at Police Station Sardulgarh, District Mansa in FIR No.31 dated 15.02.2019 (Annexure P-1) under Sections 307, 323, 148 and 149 of IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 registered at Police Station Sardulgarh, District Mansa on the basis of compromise dated 27.08.2025 (Annexure P-2) as well as with all consequential proceedings arising thereof.

2. The FIR No.31 dated 15.02.2019 came to be registered at the instance of Balkar Singh @ Kala, which reads as under:-

“Statement of Balkar Singh @ Kala son of Mahender Singh, caste Jatt Sikh, Resident of KhialiChehlanwali, aged about 35 years,



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Mobile No.: 97811-30701.

I state that I am a resident of the above-mentioned address and work in agriculture. Yesterday, 14-02-2019, I and Gurmel Singh @ Mela son of Sukhdev Singh, caste Jatt Sikh, Resident of KhialiChehlanwali, were returning home after visiting Sukhwinder Singh @ Sukha Bhao's house, traveling on the road built on the bank of the Nali (drain) towards the Ghaggar bridge on the main road.

At about 07:30 PM, when we reached near the Shani Temple, the lights installed on the side provided clear visibility. We were called out from behind, "Is Mela going?" When we turned back, we saw:

Jagtar Singh @ Jaggu (carrying a Pistol)

Harjit Singh (carrying a handle of a Kahi / hoe) (Both sons of Davinder Singh)

Jaswinder Singh @ Jassa son of Avtar Singh

Gurcharan Singh @ Foji son of Thakur Singh (also carrying a Dag / stick)

and 3-4 unidentified persons (whom I can identify upon seeing, carrying Baseballs)

They were rapidly approaching us from behind. At that moment, Jaswinder Singh @ Jassa raised a slogan (Lalkara) saying, "Teach Gurmel Singh @Mela a lesson for demanding money and submitting false applications against us! He has finally been caught; don't let him go easily.

"Fearing for our lives, we started running. Then Jagtar Singh @ Jaggu, with the intent to kill, fired his pistol towards us, which passed over us. He then fired a second time, and the bullet struck Gurmel Singh @ Mela on the back of his right thigh.

We raised an alarm ("Marta Marta"). Amandeep Kumar son of Sohan Lal, caste Arora, Resident of Sardulgarh, then arrived from the front. Seeing him, the said persons fled the spot with their respective weapons. Due to the gunshot injury, Gurmel Singh @



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Mela fell down on the raw ground. Amandeep Kumar and I arranged for transport and admitted him to Civil Hospital Sardulgarh. From there, the doctor referred us to a better hospital, so we brought Gurmel Singh @ Mela to Civil Hospital Mansa and admitted him, where he is currently undergoing treatment.

The motive for the animosity is that Gurmel Singh @ Mela was supposed to receive money from the said Jagtar Singh @ Jaggu and had submitted applications against him, which are under investigation at P.S. Jhuneer. Due to this rivalry, the said individuals attacked us by firing bullets. Necessary legal action should be taken against the said persons.”

3. Thereafter, a cross version i.e. the present case was registered vide DDR No.43 dated 15.02.2019 at the instance of Harjit Singh @ Happy and reads as under:-

“At about 19:40 hours, a statement from Harjit Singh alias Happy son of Davinder Singh, caste Jatt Sikh, Resident of Ward No. 7, Sardulgarh, was received at the Police Station, delivered by PHG Ajaib Singh 21754, written by ASI Kulwant Singh 156. The contents of the statement are as follows: "Statement of Harjit Singh alias Happy son of Davinder Singh, caste Jatt Sikh, Resident of Ward No. 7, Sardulgarh, aged about 42 years, Mobile No. 98764-06608. I state that I am a resident of the above address and work as a farmer. On 14-02-19 at about 07:30 PM, my brother Jagtar Singh and I were sitting and talking in our courtyard (Nohra). The gate of our courtyard was shut, and the light was on. Then, Baldev Singh son of Mahender Singh, Resident of Sardulgarh, opened the gate of our courtyard by striking it with a Gandasa (hatchet) he was holding. Subhash Arora Resident of Heerke, Gurmel Singh son of Sukhdev Singh Resident of KhialiChehlanwali (who was carrying a Soti / stick), Harjinder Singh Fauji son of Jarnail Singh Resident of Sardulgarh (who was carrying a Gandasa), and the aforementioned



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Baldev Singh entered our courtyard and began assaulting my brother, Jagtar Singh. Baldev Singh attacked me with his Gandasa with the intent to kill, but the Gandasa struck near my right ear, and Baldev Singh hit me with the blunt side of the Gandasa on the elbow of my left arm. Meanwhile, four or five more unknown persons also entered our house behind them. They were also carrying sticks and raising slogans, saying: 'Teach them a good lesson for testifying against Sukhwinder Singh alias Sukha Bhao!' Saying this, they began assaulting my brother and me. We raised a hue and cry ("Marta Marta"). Then, my father Davinder Singh, and Sukhwinder Singh son of Bakshi Singh, Gurdip Singh son of Joginder Singh, Mahenderjit Singh son of Arjun Singh, all Residents of Sardulgarh, arrived at the spot. Seeing them, the said persons fled the spot along with their respective weapons. When my brother and I went outside and stood on the road to watch them, they were clearly visible in the light of the pole lamp. I saw Subhash Arora Resident of Heerke fire his loaded pistol towards us, but the shot passed over us, and we ran back inside. Then he fired another shot towards us with the intent to kill, which struck my brother behind his right shoulder. Then our father, Davinder Singh, shouted: 'Be strong, we are here!' Then the said persons fled from the spot again. Then, Sukhwinder Singh son of Bakshi Singh, Resident of Sardulgarh, arranged for transport and admitted us to the Civil Hospital Sardulgarh, where we are currently undergoing treatment. The motive for the animosity is that Sukhwinder Singh alias Sukha Bhao cheated my uncle's son, Sukhwinder Singh, of five lakh rupees. A case was registered against Sukhwinder Singh alias Sukha Bhao, in which my wife Parmjit Kaur and my brother Jagtar Singh were witnesses. The said individuals attacked us at the instigation of Sukhwinder Singh alias Sukha Bhao son of Jarnail Singh, Resident of Sardulgarh (who is now lodged in Mansa Jail), to stop us from testifying. Necessary legal action should be taken against all of them. I have dictated the statement to you and have heard it, and it is correct. Signed: Harjit Singh alias Happy (Deponent). I corroborate the above statement of my brother, Harjit Singh. Signed: Jagtar Singh

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son of Davinder Singh, Resident of Sardulgarh. Verification: Signed: Kulwant Singh, ASI, P.S. Sardulgarh.”

4. The learned counsel for the petitioners contends that it is a case of version and cross-version. DDR No.43 dated 15.02.2019 (Annexure P-3) under Sections 323, 34 IPC stands registered at Police Station Sardulgarh, District Mansa, in FIR No.31 dated 15.02.2019 (Annexure P-1) under Sections 307, 323, 148 and 149 of IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 against the petitioner party at the instance of the complainant side. A compromise has been arrived at between the parties. Therefore, the cross DDR No. 43 dated 15.02.2019 in FIR No.31 be quashed on the basis of the said compromise.

5. The learned State counsel, on the other hand, submits that in FIR No.31, a gun-shot injury has been sustained by Gurmel Singh @ Mela at the instance of Jagtar Singh @ Jaggu with a pistol, resulting in a bullet injury on the backside of his right thigh. The MLR and subsequent medical opinion reveal that the injury was grievous in nature with fracture of the thigh bone and involvement of a firearm. However, in the cross-version i.e. DDR No. 43, after investigation, the serious offences including Sections 307, 148, 149 IPC and Arms Act were deleted and the offence under Section 323/34 IPC remains, wherein no gunshot injury is attributed. An offence under Section 307 IPC cannot be quashed on the basis of the compromise as it is an offence against the society and not an outcome of a private dispute between the parties. Therefore, the present petition is liable to be dismissed.



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6. I have heard learned counsels for the parties.
7. The Hon'ble Supreme Court in "***State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019(5) SCC 688***", passed in criminal Appeal No.349 dated 05.03.2019 held as under:-

"11.1 Therefore, the said decision may be applicable in a case which has its origin in the civil dispute between the parties; the parties have resolved the dispute; that the offence is not against the society at large and/or the same may not have social impact; the dispute is a family/matrimonial dispute etc. The aforesaid decision may not be applicable in a case where the offences alleged are very serious and grave offences, having a social impact like offences under section 307 IPC. Therefore, without proper application of mind to the relevant facts and circumstances, in our view, the High Court has materially erred in mechanically quashing the FIR, by observing that in view of the compromise, there are no chances of recording conviction and/or the further trial would be an exercise in futility. The High Court has mechanically considered the aforesaid decision of this Court in the case of Shiji (supra), without considering the relevant facts and circumstances of the case.

13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

- i) that the power conferred under section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;*
- ii) such power is not to be exercised in those prosecutions which involved 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;

iii) similarly, such power is not to be exercised for the offences under the special statutes like 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;

iv) 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. 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 framing 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/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra)



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should be read harmoniously and to be read as a whole and in the circumstances mstances stated hereinabove;

v) while exercising the power under section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.

14. Insofar as the present case is concerned, the High Court has quashed the criminal proceedings for the offences under sections 307 and 34 IPC mechanically and even when the Investigation was under progress. Somehow, the accused managed to enter into a compromise with the complainant and sought quashing of the FIR on the basis of a settlement. The allegations are serious in nature. He used the fire arm also in commission of the offence. Therefore, the gravity of the offence and the conduct of the accused is not at all considered by the High Court and solely on the basis of a settlement between the accused and the complainant, the High Court has mechanically quashed the FIR, in exercise of power under section 482 of the Code, which is not sustainable in the eyes of law. The High Court has also failed to note the antecedents of the accused.”

8. The Hon’ble Supreme Court in “**State of Madhya Pradesh Vs. Dhruv Gurjar and another**”, **Criminal Appeal No. 336 of 2019, decided on 22.02.2019**, held as under:-

“16.6 In the case of Deepak (supra), this Court has specifically observed that as offence under section 307 IPC is non-compoundable and as the offence under Section 307 is not a private dispute between the parties inter se, but is a crime against the society, quashing of the



proceedings on the basis of a compromise is not permissible. Similar is the view taken by this Court in a recent decision of this Court in the case of Kalyan Singh (supra).

18.1 Therefore, the said decision may be applicable in a case which has its origin in the civil dispute between the parties; the parties have resolved the dispute; that the offence is not against the society at large and/or the same may not have social impact; the dispute is a family/matrimonial dispute etc. The aforesaid decision may not be applicable in a case where the offences alleged are very serious and grave offences, having a social impact like offences under section 307 IPC and 25/27 of the Arms Act etc. Therefore, without proper application of mind to the relevant facts and circumstances, in our view, the High Court has materially erred in mechanically quashing the respective FIRs, by observing that in view of the compromise, there are no chances of recording conviction and/or the further trial would be an exercise in futility. The High Court has mechanically considered the aforesaid decision of this Court in the case of Shiji (supra), without considering the relevant facts and circumstances of the case.”

9. A perusal of the afore-mentioned judgments would establish beyond doubt that where the allegations are of the commission of offences under Section 307 IPC and the Arms Act, the question of quashing of the FIR on the basis of a compromise does not arise inasmuch as the disputes cannot be said to be private in nature. Pertinently, in FIR No.31, gunshot injuries have been caused to the injured by use of a firearm, whereas in the cross-version DDR No.43, after investigation, the major offences including Section 307 IPC and the Arms Act have been deleted and only offence under Section 323/34 IPC survives, wherein no firearm injury is attributed.

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10. As in FIR No.31, gunshot injury has been caused and the FIR cannot be quashed the offences being grave and against the State, the cross-version DDR also cannot be quashed on the basis of compromise. Accordingly, the present petition i.e. CRM-M-56579-2025, qua DDR No.43 is also dismissed.

11. All the pending miscellaneous applications, if any, stand disposed of.

27.04.2026*Kusum***(JASJIT SINGH BEDI)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>