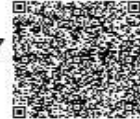




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**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
133**

**CRM-M-21481-2026
Date of Decision:-22.04.2026**

DINESH KUMAR AND ANOTHERPETITIONERS

VS.

**STATE OF UNION TERRITORY CHANDIGARH & OTHERS
.....RESPONDENTS**

CORAM:-HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Anupal Singh Tanwar, Advocate
for the petitioner(s).

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

JASJIT SINGH BEDI, J.(ORAL)

1. The prayer in the present petition under Section 528 of BNSS, 2023 read with Section 482 of Cr.P.C. 1973 is for quashing of the FIR No.77 dated 12.04.2025 (Annexure P-1) under Sections 115(2), 126(2), 109, 3(5) of BNS and Sections 25, 54 and 59 of Arms Act, 1959 registered at Police Station Sector 31, Chandigarh on the basis of compromise dated 13.03.2026 in cross case with all consequential proceedings arising thereof.

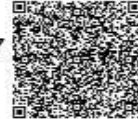
2. The present FIR came to be registered at the instance of Raj Kumar @ Sanju, which reads as under:-

“To SHO Sir PS 31 Chandigarh Sir, I request that I Raj Kumar @ Sanju S/O Mohan Lal R/O H no. 71-a VIP Enclave, VIP Road, Zirakpur (PB) live with my family. Yesterday dated 11.04.25 at around 10:10 PM I was leaving from my above mentioned address



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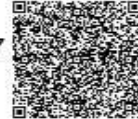
to my in-laws in Karnal (HR) for marriage when I saw a speeding car behind which 4-5 people were throwing stones. They were running away with the car. I thought that the driver of the car has committed a crime because in our street, people often get phone stolen, speeding vehicles or motorcycles hurt someone. I chased the car with my Zypshy to stop it and when the car entered Chandigarh, I hit it with my Zypshy and I got down from the Zypshy and went near the car and asked the two clean shaven boys sitting in the car that why did you drive your car at such a high speed from our society. On hearing this, those two boys started kicking and punching me. Meanwhile, their third friend also came to the spot and he also started beating me along with his friends. One of the dumb men told his friend to take out his revolver and shoot him. If you don't want to shoot him, then give me the revolver, I will shoot him. Then one of those boys took out the revolver, pointed it towards me with the intention of killing me and fired the revolver but it did not fire, then that boy thrashed me with kicks and punches and pointed the revolver at me with the intention of killing me and continuously tried to fire bullets but the bullets did not fire. I will recognize those three boys when they come in front of me, legal action should be taken against those three boys. Sd Raj Kumar dated 12.04.2025 D.O.B 24.1.1995”

3. The learned counsel for the petitioner contends that it is a case of version and cross-version. FIR No.76 under Sections 190, 191(2), 191(3), 126(2), 109, 51(2) (3) BNSS and Sections 25, 27, 54 and 59 of Arms Act, 1959, stands registered against the present complainant party at the instance of petitioners' side. A compromise has been arrived at between the parties. Therefore, the FIR be quashed on the basis of the said compromise.



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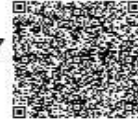
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4. The learned State counsel for U.T., Chandigarh, on the other hand, contends that it is a case of version and cross-version. In FIR No.77 i.e. the present case, the allegations are that the accused persons fired upon the complainant party but the weapon jammed because of which the bullets were not discharged. However, in FIR No.76 got registered at the instance of the petitioners' side against the present complainant party, gun-shot injuries have been received by the complainant party therein i.e. the present petitioners side. 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.

5. I have heard learned counsels for the parties.

6. 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



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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) 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



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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.”

7. 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,



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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.”

8. 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, though no injury has been caused by a firearm in the present FIR, in the cross-case gun-shot injuries have been caused.

9. Further, the present petition is the second petition on the same cause of action. It has been filed after withdrawal of the first petition on 11.09.2025, without any change in circumstances.

10. In view of the above, I find no merit in the present petition and the same stands dismissed.

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

(JASJIT SINGH BEDI)
JUDGE

22.04.2026

Kusum

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