IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 2nd OF NOVEMBER, 2026

MISC. CRIMINAL CASE No. 18153 of 2026

CNR No.: MPHC030101642026

SANTOSH GURJAR AND ANR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Arvind Kumar Dwivedi - Advocate for the petitioners.

Shri Dinesh Savita - PP for respondent No.1/State.

Shri Harshat Ali - Advocate for respondents No.2 and 3.

ORDER

The present petition has been preferred by the petitioners under Section 528 of the BNSS seeking quashment of FIR bearing Crime No.343/2023 registered at Police Station - Sirol, District Gwalior for the offence under Sections 308, 294, 34 of IPC and consequential proceedings arising thereto, on the basis of compromise.

2. As per the prosecution story, on 15.09.2023 at about 3:30 PM, the complainant, Smt. Bandana, was working as a labourer along with her husband, brother-in-law and sister-in-law at a plot situated in Pawan Sut Colony, Sirole, belonging to Suraj Prajapati. At that time, accused Bharat Gurjar, Ram Lakhan Gurjar and Santosh Gurjar, standing on opposite sides of the road, started abusing each other in filthy language and firing gunshots.

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After some time, four other persons also arrived at the spot and started firing. During the firing, one bullet pierced the complainant's saree and hit her below the navel, causing an injury and bleeding. Consequently, she fell down on the road. Thereafter, all the persons involved in the firing fled from the spot. After regaining consciousness, she came to know their names from the local residents. She was taken to District Hospital, Murar, Gwalior, by her husband and sister-in-law for treatment, where her Dehati Nalishi was recorded by Sub-Inspector Ramniwas Nanda. Accordingly, offence has been registered.

3 . Applications (I.A. Nos.7872/2026 and 7873/2026) have been preferred at the instance of parties and they want to settle the matter. The applications are duly signed by respective parties and same are supported by their affidavits.

4. The Principal Registrar of this Court has duly verified the parties, contents of applications, intent and signatures of parties. Report is attached, same is perused and it appears that compromise has been reached between the parties voluntarily without any threat, inducement and coercion.

5. Learned counsel for petitioners submitted that compromise has been arrived at petitioners and respondent No.2 and 3/complainants and they want to settle their dispute between them. Therefore, petitioners prayed for quashing of the F.I.R. registered against them.

6. Counsel for the complainant argued in support of petitioners' prayer for compromise. He referred the affidavit filed by the respondent No.2 and 3/complainant and they are ready to settle the matter.

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7. Heard learned counsel for the parties at length and perused the documents appended thereto.

8. From the aforesaid facts and the allegations contained in the FIR, it is apparent that the dispute is not of a purely private or civil nature. The allegations against the petitioners are that, with an intention to cause the death of the injured, fired shots at him, one bullet pierced the complainant's saree and hit her below the navel, resulting in bleeding injuries. Thus, the allegations disclose the commission of a serious offence involving use of a firearm and an attempt upon the life of the injured.

9. It is true that the parties have entered into a compromise and the complainant has expressed his willingness to settle the dispute. However, the mere fact that the parties have subsequently arrived at a compromise cannot, by itself, be a ground for exercise of the inherent jurisdiction under Section 528 of the BNSS where the allegations disclose a serious offence having an impact on society at large.

10. In the case of **State of Madhya Pradesh v. Laxmi Narayan**, **(2019) 5 SCC 688,** the Supreme Court cautioned that heinous/serious offences such as attempt to murder should not ordinarily be quashed merely on the basis of settlement. The Court must examine whether the Section 307 allegation is actually supported by the evidence and circumstances. This principle continues to be applied to Section 109 BNS.

11. The Hon'ble Supreme Court, in its recent judgment in **2026 INSC 588, decided on 29.05.2026 (Vijay Kumar Kela & Anr. vs. Central Bureau of Investigation & Anr.)**, has reiterated that while exercising inherent

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jurisdiction for quashing criminal proceedings on the ground of settlement, the Court must have due regard to the nature and gravity of the offence. It has been held that heinous and serious offences involving mental depravity or offences which have a serious impact upon society cannot appropriately be quashed merely because the victim or the parties have settled the dispute. The Supreme Court has further observed that the continuation of prosecution in such cases is founded upon the overriding element of public interest in bringing the offenders of serious crimes to justice.

12. In the present case, the prosecution allegations, at this stage, disclose that the petitioners allegedly used a firearm and fired shots at the injured with the intention of causing death. The nature and manner of the alleged occurrence, therefore, cannot be said to have an overwhelmingly civil or private character. The fact that the injured/complainant has entered into a compromise subsequent to the occurrence does not efface the seriousness of the alleged offence or the element of public interest involved in its prosecution.

13. Consequently, this Court is of the considered opinion that the compromise arrived at between the parties does not furnish a sufficient ground for exercising the inherent jurisdiction under Section 528 of the BNSS to quash the FIR and the consequential criminal proceedings.

14. Accordingly, the petition fails and is hereby **dismissed**. Consequently, I.A. Nos.7872/2026 and 7873/2026 are also disposed of.

15. It is made clear that the observations made herein are confined to

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the adjudication of the present petition and shall not prejudice the case of either party before the Trial Court.

(RAJESH KUMAR GUPTA)
JUDGE

(alok)

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