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MCRC-8946-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

MISC. CRIMINAL CASE No. 8946 of 2026*VIVEK AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Yogesh Kumar Gupta - Advocate for the applicant.

Shri Romil Verma - GA for the State.

Shri Vivek Singh - Senior Advocate with Shri Vipin Parmar-

Advocate for the respondent no.2.
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(Heard on: 24.07.2026)

(Delivered on: 04.08.2026)

ORDER

This present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred seeking quashment of the FIR giving rise to Crime No.184/2025, dated 06.04.2025, registered at Police Station Tejaji Nagar, District Indore (MP) for the commission of the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023. Thereafter, a final report No.01/2026 was filed on 09.01.2026 for the offences punishable under Sections 105 and 238 of the Bharatiya Nyaya Sanhita, 2023, and Section 30 of the Arms Act, 1959. The petition also seeks quashment of the consequential proceedings pending in Regular Criminal Trial No.335 of 2026 before the Court of the learned Judicial Magistrate



First Class, Indore (MP) against the applicants/accused persons.

2. The facts of the case lies in a narrow compass that one Madanlal Yadav, son of Bhagirath Yadav, a resident of Umri Kheda, Khandwa Road, Indore, (MP) was brought to M.Y. Hospital, Indore, at about 7:30 p.m. on 05.04.2025 who already succumbs to gunshot injuries. It was initially intimated to the hospital authorities that the deceased had sustained the gunshot injury while cleaning a gun. An enquiry conducted pursuant to unnatural death Case No.002/2025, registered at Police Station- Tejaji Nagar, District Indore (Urban), revealed that the cause of death was shock and haemorrhage resulting from a firearm injury to the thoracic region of the body. The enquiry further disclosed that, at about 8:30 p.m. on 05.04.2025, while the deceased was taking water near the pipeline in front of the gate of J.J. Farm, situated at J.J. Public School, Village Umri Kheda where the Madanlal and his wife were residing and falls within the territorial jurisdiction of Police Station- Tejaji Nagar, District Indore (MP). It was further disclosed that the incident occurred when the applicants were engaged in target practice shooting using a 0.32 bore pistol issued to applicant No.1, Vivek Singhal, under Arms Licence No.28/Indore/Home/2022 valid up to 09.05.2025. The C.C.T.V. footage collected during the investigation also revealed that the applicants were engaged in target practice shooting at the place of occurrence. The investigation further revealed that the bullet which caused the death of Madanlal Yadav was allegedly fired from the point where the applicants were carrying out target practice and travelled to the place marked as Point



'F' in the spot map prepared on 05.04.2025 flying from the boundary wall of four feet and piercing the grill of plastic sheet before striking the deceased. It is further alleged that when the wife of the deceased questioned the applicants as to why they had shot her husband then applicant No.1, Vivek Singhal took the injured Madanlala Yadav in his car to M.Y. Hospital, Indore and informed the hospital authorities that the deceased had sustained the gunshot injury while cleaning a gun. Leela Bai, wife of the deceased immediately objected to the said version and stated that the information given by Vivek Singhal is false. Thereafter, Vivek left the hospital. During the course of investigation, a rifle was also seized from the room of applicant No.1, Vivek Singhal, at about 4:25 p.m. on 11.04.2025.

3. The present petition has been preferred primarily on the ground that the FIR and the material collected during the investigation, even if accepted in their entirety, do not *prima facie* disclose the commission of the offence alleged against the applicants. It is contended that the initial information received through the telephone operator indicated that the deceased had been brought to the hospital by his son Ashish Yadav and not by applicant No.1, Vivek Singhal and contrary to this on the next day of alleged incident the complainant made a false oral complaint against the applicant no.1 Vivek Singhal and made his entire family accused in the commission of an alleged offence. Bare perusal of the spot map which reflected that, there is no such evidence available which shows that the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death. It is clear from the entire charge-sheet that there is



no previous enmity between both the parties hence, in the present case the offence punishable under section 105 of the BNS, 2023 does not attract. On a close observation of the same, *prima facie* it appears that the place Mark "J" from where the firing took place and the place Mark "A" where the deceased was shot the person who fired the shot who was situated at Mark "A" *prima facie* had the knowledge that a person was standing at Mark "J" and filling water, does not appear to be a normally possible situation and this fact of knowledge of the above nature is certainly a subject matter of evidence and in the context of the circumstances and facts present in the case, this matter can be determined only during the evidence in the process of trial whether the act impugned against the applicant/accused no.1 appears to be within the ambit of Section 105 of Bhartiya Nyaya Sanhita, 2023 or appears to be within the ambit of Section 106 of Bhartiya Nyaya Sanhita, 2023. The allegation against the applicant no.1 is that, he fired a gun shot and the same was hit to the deceased and against the applicant no.2 & 3 having no allegation of commission of an alleged offence. Even then the investigation officer made an accused to the applicants no.2 & 3. In this case, only one gun has been recovered from the possession of applicants/accused even then the investigation officer made an accused to the applicants no.2 & 3. There is an absence of corroborative evidence in respect of commission of an alleged offence & the applicants/accused could not be prosecuted. Counsel for the applicants have relied upon **Gian Singh Vs. State of Punjab and another (2012) 10 SC 303, Rajat Kumar and Another Vs. State of Haryana and another 2026 PHHC-072567, Ganesh Kumar and another**



Vs. State of Himachal Pradesh and Others 2026 HHC-20998 and Sofik Ali and Others v. The State of Assam, 2025 GAHC-01007700.

4. Apart from the ground raised above in this petition the prayer has also been sought on the ground that wife of the deceased Madanlal namely Leela Yadav and Sons Manoj Yadav and Ashish Yadav have entered into compromise with the applicants and compromise have been duly verified by the Principal Registrar of the Court on 12.05.2026.

5. Heard.

5. Perused the record.

6. Two questions arises for consideration in the present case:-

(i) Whether the material collected during the course of investigation satisfies parameters laid down by the Hon'ble Supreme Court in State of Haryana Vs. Choudhary Bhajan Lal in AIR 1992 SC 604 regarding quashment of the FIR?

(ii) If not then whether the applicant can seek the quashment of the FIR and subsequent proceedings on the basis of a compromise arrived at between the parties?

Question No. (i)

7. In *State of Haryana and others Vs. Bhajan Lal and others, AIR 1992 SC 604* Apex Court has elaborately considered the scope and ambit of Section 482 of the Cr.P.C./Article 226 of the Constitution in the context of quashing the criminal proceedings. In paragraph 102, Apex Court enumerated seven categories of cases where power can be exercised under Article 226/Section 482 Cr.P.C. by the High Court for quashing the criminal



proceedings. Para 102 is as follows:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly sufficiently defined channelised and adn inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section



155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under criminal which proceeding is instituted) to the institution and continuance of the proceedings and/or where there is specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly mala fide proceeding instituted and/or with attended where is with the maliciously an ulterior motive for wreaking vengeance on the accused and with a view to spite him due



to private and personal grudge.”

8. In this case, the prosecution is not initiated with malafide intention. The prosecution case rest on the material disclosing that they were practicing target shooting without getting prior license as required under rule 38 of the Arms Rules, 2016 and without observing required safety standards. The C.C.T.V. footage collected during the investigation *prima facie* discloses that applicant No.2 was also participating in the target practice shooting and also make fire. Applicant No.3 was also present at the spot and was actively involved in the entire exercise. The contention raised in ground No.(vii) of the petition, based on spot map that knowledge that, a person was standing at Mark "J" and filling water this does not appear to be a normally possible situation and this fact of knowledge of the above nature is certainly a subject matter of evidence and in the context of the circumstances and facts present in the case, this matter can be determined only during the evidence in the process of trial whether the act impugned against the applicant no.1 appears to be within the ambit of Section 105 of Bhartiya Nyaya Sanhita, 2023 or appears to be within the ambit of Section 106 of Bhartiya Nyaya Sanhita, 2023 does not support quashment of FIR.

9. Practicing Target shooting without obtaining requisite permission and without adhering to necessary safety measures is an act that affects society at large. Such an offence cannot be treated as one of a purely private nature, particularly where the victim has lost his life. The allegations in the FIR and the other materials filed alongwith the final report under section 193 of the B.N.S.S., 2023 does not satisfy the criteria no.2 of **Bhajan Lal (Supra)** that the allegations in the FIR and other materials don't discloses cognizable



offence. The panchnama and video footage is sufficient to establish the presence of all the applicants at the spot with their overt act. Analysis of individual role is not permissible while considering the prayer for quashment of FIR and subsequent proceedings. These arguments may be addressed at the stage of framing of charges by seeking discharge. Accordingly, the FIR of crime No.184/2025 registered at Police Station- Tejaji Nagar, District Indore (MP) cannot be quashed on the principles laid down in **Bhajan Lal (Supra)**.

Question No. (ii)

10. Now come to the second limb of the applicants submissions whether the FIR in Crime No.184/2025, dated 06.04.2025, registered at Police Station Tejaji Nagar, District Indore (MP) and all consequential proceedings deserve to be quashed on the basis of the compromise entered into between the applicants and the legal heirs of the deceased.

11. The Apex Court in **Gian Singh (Supra)** quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. This Court, highlighting the difference, had the following to say:-

“57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of



criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain



crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be



prescribed.”

(Emphasis supplied)

12. In *State of Madhya Pradesh vs. Laxmi Narayan and Others*, (2019) 5 SCC 688, after discussing the ratio in *Narinder Singh and Others vs. State of Punjab and Another*, (2014) 6 SCC 466 and other judgments, Apex Court held:-

" 15. 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:

15.1. 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;

15.2. 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;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes 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;

15.4. 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/delicate 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 paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. 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 impact 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.”

(Emphasis supplied)

13. In the instant case, the offences punishable under Section 304 of the Indian Penal Code, 1860 (now corresponding to Section 105 of the Bharatiya Nyaya Sanhita, 2023) and Section 30 of the Arms Act, 1959 are admittedly non-compoundable in nature.

14. The Apex Court in **Ramgopal and Another Vs. The State of Madhya Pradesh**, (2022) 14 SCC 552, and subsequently in **Dakshaben Vs. State of Gujarat and Others**, (2022) 5 SCC 538, has not approved the



compromise in case of grave and serious non-compoundable which impact the society. Informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a non- compoundable offence of a grave, serious and/or heinous nature, which impacts society.

15. These offences are not those offences which are arising out of commercial transaction or matrimonial relationship or family disputes. On the contrary, offences of culpable homicide not amounting to murder punishable under section 105 of the BNS, 2023 coupled with the offence under section 238 of the BNS, 2023 and section 30 of the Arms Act, 1959 falls within the category of heinous and serious offences of mental depravity. These offences are not private in nature. These offences have serious impact on the society. "Silence of grave" cannot be substituted by signature of heirs. Hence, First Information Report of this case as well as subsequent proceedings cannot be quashed on the basis of compromise. Accordingly, MCRC is dismissed.

(GAJENDRA SINGH)
JUDGE