

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

Crl. Misc. No. M-13765 of 2018 (O&M)

Date of decision: July 11, 2018

Nirbhai Singh @ Nirape Singh and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Navneet Kaur, Advocate for
Mr. G.S. Nahel, Advocate
for the petitioners.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Ranjit Singh Sidhu, Advocate
for respondent No.2.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.158 dated 20.11.2015 (Annexure P-1), registered for offences punishable under Sections 447, 511, 427, 506, 148 read with Section 149 of Indian Penal Code (for short 'IPC') at Police Station Moonak, District Sangrur along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, on 20.11.2015 at about 10.00 a.m., when the complainant had gone to his fields, the petitioners armed with deadly weapons like *dang*, *gandas* etc., came on tractor Sawraj 855 and tried to cultivate the land of complainant forcibly. Complainant raised

roula, which attracted neighbours and all the petitioners fled away from the spot alongwith their weapons, tractor-trolley and harrow.

Learned counsel for the petitioners submits that it is a case of no injury and now the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No.2-complainant endorses the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed compromise (Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 06.07.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or undue influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR No.158 dated 20.11.2015 (Annexure P-1),

read with Section 149 IPC at Police Station Moonak, District Sangrur along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

July 11, 2018

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No