

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16711 of 2017
Date of decision: 01.08.2018

Shingara Singh and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aayush Gupta, Advocate
for the petitioners.

Mr. Amitoj S. Dhaliwal, DAG, Punjab.

Mr. Raghav Sharma, 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.80 dated 19.07.2016 (Annexure P-1), registered for offences punishable under Sections 451/336/323/506/294/34 of Indian Penal Code (for short 'IPC') and 27 of the Arms Act, at Police Station Sudhar, District Ludhiana, along with all consequential proceedings arising therefrom, on the basis of compromise dated 05.05.2017 (Annexure P-2).

As per case of the prosecution, the occurrence took place on 19.07.2016, when Shingara Singh entered house of complainant and complained that he (complainant) had caught his pigeons and gave slaps to him. In the meanwhile, Bikar Singh also came there and both of them fired in the air with licenced rifle of Bikar Singh.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file

as Annexure P-2.

Learned State counsel on instructions from ASI Tilak Raj submits that the matter is still under investigation. The police has neither recorded statement of witnesses under Section 161 Cr.P.C. nor sent the rifle used in the occurrence to FSL to ascertain as to whether shot was fired with that rifle. He has, however, not disputed that parties have effected the compromise and due to this reason investigation of the case has not proceeded further. He further submits that the police has no objection if the impugned FIR is quashed.

Learned counsel for respondent No.2-complainant has submitted that in view of the compromise (Annexure P-2), respondent no. 2-complainant has no objection if the impugned FIR (Annexure P-1) is quashed.

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 27.03.2018 stating therein that the compromise has been effected between the complainant and the accused which appears to be genuine, voluntary in nature and without any pressure or coercion.

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. 80 dated 19.07.2016 (Annexure P-1) registered at Police Station Sudhar, District Ludhiana along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

August 01, 2018

jk

(SURINDER GUPTA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No