

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14526-2016 (O&M)
Date of Decision:- 14.3.2019

Harbans Singh and another ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dheeraj Mahajan, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Tarun Vir Singh Lehal, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners has approached this Court seeking quashing of FIR No.81, dated 29.12.2015, registered at Police Station Dera Baba Nanak, Police District Batala, under Sections 307, 34 IPC and 27/54/59 of Arms Act, and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Learned counsel for the petitioners has submitted that the complainant Prabhjot Singh is related to the petitioners being their nephew and that in fact there was a land dispute between the parties which had resulted in lodging of criminal cases by both the parties and that subsequently better sense has prevailed amongst the parties and they have resolved their issues. It has been submitted that the

FIR which had been got lodged by the petitioners against the complainant has already been compromised.

3. Pursuant to directions issued by this Court, the statements of the parties have been recorded wherein respondent No.2 Prabhjot Singh categorically stated that he has compromised the matter with the petitioners. However, when this matter was listed before this Court on 5.12.2018, learned counsel for the petitioners had submitted that although as per the terms of the compromise, the petitioners had transferred a piece of land in favour of the complainant but the complainant was still not willing to honour the terms of the compromise. The learned counsel for the complainant had however stated that he does not have any instructions in this regard and consequently he was directed to seek proper instructions.
4. Today, complainant Prabhjot Singh is present in person along with his counsel. Learned counsel for the complainant has informed that his client Prabhjot Singh has no objection for quashing of the FIR as stated by him earlier before the learned Judicial Magistrate 1st Class, Batala, and that the FIR may be quashed.
5. In view of the aforestated position, wherein I find that the parties have compromised and as has also been reported by the Judicial Magistrate 1st Class, Batala, and also that both the parties are closely related and the dispute had occurred on account of a land dispute which has now been resolved and also that the petitioners are not stated to be previous convicts, in my opinion, no useful purpose would be served by forcing the petitioners to face trial. The petition,

as such, is accepted and FIR No.81, dated 29.12.2015, registered at Police Station Dera Baba Nanak, Police District Batala, under Sections 307, 34 IPC and 27/54/59 of Arms Act, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

March 14, 2019

mohan/pankaj

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No