

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

**Criminal Misc. No. M-6563 of 2015  
Date of Decision:-05.04.2016**

Avtar Singh @ Tari

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Rahul Sharma, Advocate  
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

**HARI PAL VERMA J.(Oral)**

Prayer in the present petition is for quashing of FIR No.95 dated 1.11.2014, under Sections 307, 452, 324, 506, 34 IPC, registered at Police Station Jodhan, District Ludhiana Rural (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 19.2.2015 (Annexure P-2).

Learned counsel for the petitioner submits that the case of the petitioner falls within the parameters laid down by Hon'ble Apex Court in **Narinder Singh & others vs. State of Punjab and another 2014(2) RCR (Criminal) 482** as though the

challan in this case has been presented but the evidence of the prosecution is yet to start.

Vide orders dated 27.2.2015 and 20.11.2015, this Court had directed the parties to appear before the CJM/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 20.11.2015, the parties have appeared before the learned Magistrate on 24.2.2016 for getting their statements recorded.

The report dated 30.3.2016 received from the learned Judicial Magistrate 1<sup>st</sup> Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Surinder Singh before the JMJC, Ludhiana, on 24.2.2016 reads as under :-

“I have lodged one FIR No.95 dated 1.11.2014, registered under Sections 307, 452, 324, 506, 34 IPC, at P.S. Jodhan, District Ludhiana. Compromise has been effected between me and accused Avtar Singh @ Tari in above mentioned case, now I have not any objection if the above said FIR quashed by the Hon'ble High Court.”

Learned State counsel on instructions from HC Jaimal Singh states that though challan has been presented but he does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303** as well as **Narinder Singh & others vs. State of Punjab and another 2014(2) RCR (Criminal) 482** this petition is allowed and FIR No.95 dated 1.11.2014, under Sections 307, 452, 324, 506, 34 IPC, registered at Police Station Jodhan, District Ludhiana Rural and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

The petition stands disposed of.

April 05, 2016  
Vijay Asija

( **HARI PAL VERMA** )  
**JUDGE**