

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13746-2017
Date of decision:16.2.2018

Avtar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for respondent No.1.

Mr. Naveen Sharma, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing of FIR No.107 dated 19.6.2009 under Sections 323, 325, 427, 506, 148, 149 IPC registered at Police Station Payal, District Ludhiana, on the basis of compromise entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 20.7.2017 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded and in pursuance thereof, learned Sub-Divisional Judicial Magistrate, Payal recorded the statements of both the parties and submitted a report dated 25.8.2017. A perusal of the report

reveals that the compromise entered into between the parties is voluntary and without any fear, coercion, inducement or threat. Even as on today the parties are not disputing the factum of compromise arrived at between them. It has been pointed out by learned counsel for the petitioner that *although the petitioner was declared proclaimed offender, but the order was challenged before this Court vide CRM-M-1866-2017 and same has been quashed by this Court vide order dated 8.3.2017 (Annexure P-6).*

4. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

5. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, and the fact that no objection has been raised by the State, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefore are quashed qua petitioner(s).

6. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

16.2.2018
Gaurav Sorot

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |