

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

**Criminal Misc. No. M-30369 of 2016
Date of Decision:-15.12.2016**

Gagandeep Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.394 dated 8.11.2015, under Section 420 IPC and Section 13 of the Punjab Prevention Human Smuggling Act, registered at Police Station Civil Lines, District Amritsar City along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 30.8.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court 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 30.8.2016, the parties have

appeared before the learned Magistrate on 26.9.2016 for getting their statements recorded.

The report dated 10.10.2016 received from the learned Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Herji Singh before the Chief Judicial Magistrate, Amritsar, on 26.9.2016 reads as under :-

“I have got registered FIR No.394 of 8.11.2015 under Section 420 of Indian Penal Code and Section 13 of Punjab Prevention Human Smuggling Act, Police Station Civil Lines, Amritsar against accused Gagandeep Kaur and now with the intervention of respectables, entire matter between me and the accused Gagandeep Kaur has been amicably settled. I have arrived at the compromise with the accused Gagandeep Kaur out of my free will and wilful consent and there is no pressure or coercion upon me. There is no other case except the present case is pending. I have no objection if FIR No.394 of 8.11.2015 under Section 420 of Indian Penal Code and Section 13 of Punjab Prevention Human Smuggling Act, Police Station Civil Lines, Amritsar is quashed against accused Gagandeep Kaur.”

Learned State counsel 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 the 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**, this petition is allowed and FIR No.394 dated 8.11.2015, under Section 420 IPC and Section 13 of the Punjab Prevention Human Smuggling Act, registered at Police Station Civil Lines, District Amritsar City and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 15, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No