

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

CRM-M No. 4189 of 2016
Date of Decision : November 28, 2016

Tek Chand and another

..... Petitioners

v.

State of Punjab and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG Punjab

Mr. Davinder Kumar, Advocate
for the respondent No.2.

Ajay Tewari, J (Oral)

Prayer in this petition is for quashing of FIR No.57 dated 30.07.2015, registered under Sections 420, 120-B IPC and Section 13 of the Human Smuggling Act, 2012, registered at Police Station D Division, Amritsar, District Amritsar and all consequential proceedings therefrom on the basis of compromise between the parties.

Allegations were that the petitioners and other co-accused took money from the complainant – respondent No.2 on the pretext of sending his son to Italy.

Pursuant to the order of this Court dated 11.05.2016, report dated 16.8.2016 from the JMIC, Amritsar has been received attesting to the fact that the matter has been compromised between the parties.

On the last date, the following contention was noticed :-

“Report regarding compromise has received from the trial Court. As per which, the petitioners have compromised the matter but learned DAG points out that it was partial compromise.”

In regard to the above contention, counsel for the petitioners has relied upon the decision of this Court in Parambir Singh Gill v. Malkiat Kaur, 2010(1) RCR (Criminal) 256, wherein it has held as follows :-

“ 10. Therefore, in view of the compromise that has been entered into between the petitioner and the complainant, the complaint (Annexure P1) is liable to be quashed qua the petitioner. The incident in respect of the other accused in the complaint (Annexure P1) is different and separate from that with the petitioner. As such the complaint against the other accused is to be tried in accordance with law. In *Sarabjit Singh v. State of Punjab*, 2007(3) RCR (Crl) 479 (P&H), money was taken by the accused in the said case for sending the son of the complainant abroad, but the son of the complainant was sent to some other destination. The complainant had settled the dispute with the

petitioner in the said case but not with the other accused who had also filed the petition in this Court for quashing of the complaint. This Court quashed the complaint qua the petitioner in the said case by making it clear that the proceedings against the other accused would continue.”

Learned counsel for the respondents are not in a position to cite any contrary judgment.

Accordingly, in view of the compromise, the present petition is allowed and the aforesaid FIR alongwith all subsequent proceedings emanating therefrom qua the petitioners are quashed and the proceedings would continue in accordance with law against the other accused.

November 28, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No