

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

CRM-M No.35105 of 2018 (O&M)

Date of decision : 03.10.2018

Rajwinder Singh and another

.....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Karan Garg, Advocate for the petitioners.

Mr. Amit Mehta, Senior DAG, Punjab.

Mr. Amandeep Singh Jawandha, Advocate for respondent No.2.

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DAYA CHAUDHARY, J.

Petitioners namely Rajwinder Singh and Avtar Singh have approached this Court by way of filing the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0082 dated 15.07.2018 under Sections 420 and 506 of the Indian Penal Code, 1860 (for short IPC) and Section 13 of Punjab Prevention of Human Smuggling Act, registered at Police Station Sadar Nabha, Patiala (Annexure P-1), on the basis of compromise effected between the parties during pendency of the proceedings.

After effecting the compromise between the parties, their statements were recorded in pursuance of order dated 14.08.2018 passed by this Court, wherein they have affirmed the factum of compromise. A report

dated 06.09.2018 along with order dated 30.08.2018 and statements of the parties have also been sent by learned SDJM, Nabha stating therein that the compromise is genuine and without any pressure from either side. Not only the petitioners-accused have affirmed the factum of compromise but the complainant has also specifically stated that he does not want to pursue the proceedings initiated against the petitioners. It has also been mentioned in the report that second petitioner-accused Avtar Singh did not appear at the time of recording the statements of the parties, as he is residing abroad. Petitioner-accused Rajwinder Singh, who is brother of petitioner-accused Avtar Singh has stated this fact. The statement of complainant Pawandeep Singh was also recorded, wherein it has also been mentioned in the report sent by learned SDJM, Nabha that none of the accused has been declared as absconder and no PO proceedings are pending against them.

Learned counsel for the petitioners submits that both the parties have settled their dispute by way of compromise and the complainant has no objection in quashing of the FIR and other proceedings arisen therefrom.

Learned counsel for the complainant has also affirmed the factum of compromise.

The matter has been sorted out between the parties because of the compromise and the complainant has no objection in quashing of the FIR and other proceedings. As per the report sent by learned SDJM, Nabha, the compromise is genuine, without any pressure and undue influence from either side. Complainant has specifically stated that he is not interested in pursuing the litigation.

The statement of petitioner-accused namely Avtar Singh has not been recorded as he is residing abroad and his statement is not on record.

Accordingly, the present petition qua petitioner No.1 Rajwinder Singh is allowed and FIR No.0082 dated 15.07.2018 under Sections 420 and 506 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, registered at Police Station Sadar Nabha, qua him only is quashed.

03.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No