

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51826-2018 (O&M)

Date of Decision:- 3.5.2019

Sunny Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gagandeep Singh Virk, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Ashish Soi, Advocate for
Mr. Suresh Inder Sadiura, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of FIR No.299, dated 28.8.2018, registered at Police Station Division No.5, Ludhiana, under Section 420 IPC and Section 24 of Emigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 26.11.2018 the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.

3. Report of learned Addl. Chief Judicial Magistrate, Ludhiana, has been received wherein it has been reported that statement of complainant Sumeet Kumar as well as of petitioner/accused Sunny Kumar, have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The complainant has specifically stated that the matter has been compromised and he does not want to pursue with the matter. Learned Addl. Chief Judicial Magistrate, Ludhiana, opined that the compromise effected between the parties is genuine, voluntarily and without any pressure or undue influence.
4. In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No.299, dated 28.8.2018, registered at Police Station Division No.5, Ludhiana, under Section 420 IPC and Section 24 of Emigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

May 3, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No