

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-43294-2020

Date of Decision:31.03.2021

Jaswinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Mohit Sadana, Advocate,
for the petitioner.**

**Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab,
for respondent No.1.**

None for the complainant-respondent No.2.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0213 dated 29.09.2019 under Sections 420, 120-B IPC, registered at Police Station City Sunam, District Sangrur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise-deed dated 14.11.2019(Annexure P-2).

This Court vide order dated 22.12.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Sub Divisional Judicial Magistrate, Sunam and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.02.2021 to the effect that the parties have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter.

Though no one is present on behalf of respondent No.2-complainant-Vinod Kumar in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 29.01.2021. The same is reproduced as under:-

“The FIR No.213 dated 29.09.2019, under Section 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act 2012, was registered on the basis of my statement at police station City Sunam against accused persons Jaswinder Singh and Anoop Sharma. The matter in dispute qua FIR referred above has been compromised between me and the accused Jaswinder Singh s/o Malkeet Singh r/o Sunam with the intervention of respectables and relatives. There are total two accused persons in the present FIR namely Jaswinder Singh s/o Malkeet Singh r/o Sunam and Anoop Sharma s/o Chander Bhan r/o Patiala. None of accused is proclaimed offender in the present FIR. The compromise with accused Jaswinder Singh is genuine, voluntary and without any coercion and undue influence and with my free will. Photocopy of my identity proof i.e. Adhar card is Mark A. The compromise reduced into writing on 14.11.2019. I have seen the photocopy of the same whereupon I identify my signature. The copy of compromise dated 14.11.2019 is Ex.CX. In view of the compromise, I have no objection if the present FIR is quashed against accused Jaswinder Singh s/o Malkeet Singh and the quashing petition filed by accused Jaswinder Singh before Hon'ble High Court is accepted.”

Learned State counsel has not disputed the factum of

compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.0213 dated 29.09.2019 under Sections 420, 120-B IPC, registered at Police Station City Sunam, District Sangrur (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise-deed dated 14.11.2019(Annexure P-2).

March 31, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No