

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

CRM-M-2826-2021 (O&M)
Date of decision: 7.12.2022

Satwinder Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Rajesh Tushar, Advocate, for the petitioner(s).
Mr. M.S.Nagra, AAG, Punjab.
Mr. Vikram Rana, Advocate, for respondents No.2 and 3.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.86 dated 28.7.2020 registered under Sections 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Julkan, District Patiala on the basis of compromise.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Sukhwinder Singh against the petitioners.

On notice of motion, respondents No.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial

Magistrate, 1st Class, Patiala along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondents No.2 and 3 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No. 86 dated 28.7.2020 registered under Sections 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Julkan, District Patiala and all the subsequent proceedings are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

December 7, 2022

Paritosh Kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No