

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

CRM-M-2324-2022 (O&M)

Date of decision: 21.04.2022

Sukhwinder Singh and Another

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Arti Kaur, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Rahul Garg, Advocate
for the complainant.

KARAMJIT SINGH, J. (ORAL)

Present petition is for quashing of FIR No.117 dated 10.11.2020 registered under Sections 406, 420 IPC, Section 24 of Immigration Act and Section 13 of Punjab Travels Professionals Act, 2014 at Police Station Sadar Banga, District SBS Nagar on the basis of compromise (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Bakshi Ram in which In which he alleged that the petitioners being travelling agents took Rs. 5,00,000/- on the pretext of sending his grand sons abroad but thereafter, the petitioners failed to fulfil their promise and also refused to return the amount.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has 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 Chief Judicial Magistrate, SBS Nagar 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 parties 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. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

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.117 dated 10.11.2020 registered under Sections 406, 420 IPC, Section 24 of Immigration Act and Section 13 of Punjab Travels Professionals Act, 2014 at Police StationSadar Banga, District SBS Nagar on the basis of

compromise (Annexure P-2) and all the subsequent proceedings thereof
are hereby quashed qua the petitioners.

21.04.2022

Riya

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

(KARAMJIT SINGH)
JUDGE