

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

Sr.No.224

**CRM-M No.30456 of 2021
Date of Decision: 01.02.2022**

Satbalihar Singh @ Gurbhej Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. V.P.S. Mithewal, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Lalit Singla, Advocate
for respondent No.2.

* * * *

MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C for seeking the quashing of the FIR bearing No.120 dated 05.07.2021 registered at Police Station Machhiwara, District Khanna, under Section 420 IPC, Section 24 of the Immigration Act and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 as well as all the consequential proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, culminating in the registration of the said FIR.

.....

Bereft of unnecessary details, the allegations, as levelled by complainant Rupinder Singh in the subject FIR, are that the petitioner took Rs.24 lacs from his (complainant's) father for sending him to America but while crossing the Border, the American Police arrested him and he was kept confined in the jail at Luciana and was, finally, deported to India.

Vide the order dated 02.08.2021 passed by this Court, the private parties were directed to appear before the Illaqa Magistrate/trial Court on 07.10.2021 for recording their statements in respect of the compromise/settlement. In compliance of the said order, learned Judicial Magistrate 1st Class, Samrala, recorded their (parties') statements and has submitted his report (which is already available on the file) mentioning therein that the compromise arrived at between the parties appears to be genuine and valid and to have been effected between them voluntarily, out of their free will and consent and without any threat or pressure or undue influence and the petitioner is arraigned as accused in the subject FIR and Rupinder Singh, i.e. respondent No.2 is the complainant and the accused has not been declared proclaimed offender/proclaimed person in this case and no other criminal case is pending against him. Statements of both the parties as well as of the Investigating Officer named ASI Sukhwinder Singh have also been annexed with the said report.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for respondent No.2 in the present petition and have also perused the file thoroughly.

.....

The said compromise has been effected to put the dispute between the parties at rest for all the times to come and the same would promote peaceful, harmonious and cordial relations between them. It being so, there are bleak chances of the conviction of the petitioner and in these circumstances, the continuation of the proceedings in the case arising out of the said FIR would be an exercise in futility.

Keeping in view the above-discussed facts and circumstances as well as the observations as made by the Apex Court in Gian Singh Versus State of Punjab and another (2012) 4 RCR (Criminal) 543, the FIR bearing No.120 dated 05.07.2021 registered at Police Station Machhiwara, District Khanna, under Section 420 IPC, Section 24 of the Immigration Act and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 as well as all the consequential proceedings arising therefrom (if any), are hereby quashed.

The petition in hand stands allowed accordingly.

01.02.2022	(MEENAKSHI I. MEHTA)	
neetu	JUDGE	
	<i>Whether speaking/reasoned</i>	<i>Yes</i>
	<i>Whether Reportable</i>	<i>No</i>