

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

CRM-M-38056-2022

Date of decision : 13.12.2022

MUKESH KUMAR AND ANR

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. L.S. Lakhanpal Advocate
for the petitioner(s).

Ms. Ramta Chaudhary, DAG, Punjab.

Mr. G.S. Bajwa, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.80 dated 23.04.2022 (Annexure P-1) registered under Section 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sadar Tarn Taran, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the petitioner and respondent no.2.

Vide order dated 25.08.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 04.08.2022 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this regard giving certain details as enumerated in the said order.

Pursuant to the order dated 25.08.2022 passed by this Court, the parties have appeared before the learned Additional Chief Judicial

Magistrate, Tarn Taran and as per the report dated 31.10.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***“Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543”***.

In view of the aforesaid report of the learned Additional Chief Judicial Magistrate, Tarn Taran accompanied by statements of both the parties, the FIR No.80 dated 23.04.2022 (Annexure P-1) registered under Section 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sadar Tarn Taran, District Tarn Taran along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.12.2022
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No