

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

CRM-M-41096-2020

Date of Decision:-**27.09.2022**

RAJINDER KAUR AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Rishab, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Davinder Singh, Advocate
for respondent No.2.

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KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.13 dated 19.1.2018 registered under Sections 420, 465, 467, 468, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, at Police Station Sirhind District Fatehgarh Sahib and orders dated 26.7.2019 & 4.1.2020 (Annexures P-4 & P-5) on the basis of compromise dated 24.6.2020 (Annexure P-6) along with other consequential proceedings arising thereto.

The abovesaid FIR was registered on the application moved by complainant/respondent No.3-Vikas Sood against the petitioners.

On notice of motion, respondents No.2 & 3 appeared in the Court through their counsel and pleaded that they have no objection if the aforesaid FIR and orders dated 26.7.2019 & 4.1.2020 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 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 Additional Chief Judicial Magistrate, Fatehgarh Sahib 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. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

For the reasons aforesaid 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.13 dated 19.1.2018 registered under Sections 420, 465, 467, 468, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, at Police Station Sirhind District Fatehgarh Sahib and all the subsequent proceedings thereof along with orders dated 26.7.2019 & 4.1.2020 (Annexures P-4 & P-5) are hereby quashed qua the petitioners on the basis of compromise dated 24.6.2020 (Annexure P-6).

The present petition stands allowed in the aforesaid terms.

(**KARAMJIT SINGH**)
JUDGE

27.09.2022
Gaurav Sorot

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