

244 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3980-2022

DATE OF DECISION:-20.01.2023

Surinder Singh and others

...Petitioners.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pawan Attri, Advocate
for the petitioners.

Mr. Ravinder Singh, AAG, Punjab

Ms. Pinki Mehla, Advocate for
Mr. Nitin Kumar Sharma, Advocate
for respondent No.2.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.34 dated 28.04.2021, under Sections 420 and 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Cheema, District Sangrur (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 18.10.2021.

2. As per the allegations levelled in the FIR, the petitioners, who are closely related to each other cheated the complainant, who happens to be brother of petitioner No.2 for a sum of Rs.13.50 lakhs on the pretext of sending his son abroad.

3. In pursuance to an order dated 11.02.2022 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded as regard the veracity of the compromise arrived at between them, report dated 05.04.2022 has been received from the concerned court, stating that the parties arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. There is no other accused except the present petitioners. All the accused and complainant are party to the compromise. No accused has been declared as proclaimed offender. There is no other case pending against the petitioners.

4. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute being purely personal in nature, there does not appear any impediment as regards quashing of present FIR. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences has no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR.

The compromise in question is even 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.*

6. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.34 dated 28.04.2021, under Sections 420 and 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Cheema, District Sangrur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

7. Accordingly, petition stands disposed of but subject to deposit of a sum of Rs.20,000/- by the petitioners within a period of two weeks from today in the following account:-

Account Name – Punjab and Haryana High Court Bar
Association Lawyer's Family Welfare Fund
Account No.-41564846387
Bank Name- SBI High Court Branch.

20.01.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No