

277**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-4889-2023 (O&M)****Date of decision: 21.08.2023**

Satwant Singh @ Happy Riar and another

...Petitioners

VS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Daljeet Singh Kahlon, Advocate,
for the petitioners.

Mr.Mohit Thakur, AAG, Punjab.

Mr.M.K.Kahlon, Advocate,
for respondent no.2.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.100 dated 02.08.2019 (Annexure P-1) registered under Sections 420 of the IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, and all subsequent proceedings arising therefrom, on the basis of compromise dated 19.12.2022 (Annexures P-2).

2. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide order dated 01.03.2023 had directed the parties to appear before the *Illaq* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 03.04.2023 of learned Judicial Magistrate Ist Class, Batala, had been received. Report reveals that statements of complainant party i.e. respondent No.2 as also of accused/present petitioner no.1 herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the complainant/respondent No.2 and accused/petitioner no.1 have arrived at a compromise

voluntarily and without any coercion. As per the report petitioner no.2-Ranjodh Singh, did not appear to record his statement *qua* compromise.

4. Learned counsel for complainant/respondent No.2 states that he would have no objection to the quashing of FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled “*Ramgopal and anr. V. The State of Madhya Pradesh*”¹ and a Full Bench decision of this Court in “*Kulwinder Singh and others V. State of Punjab and others*”².

6. In the premise it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

7. Petition is thus allowed only *qua* petitioner no.1. FIR No.100 dated 02.08.2019 (Annexure P-1) registered under Sections 420 of the IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur and all proceedings emanating there from *qua* petitioner no.1-Satwant Singh @ Happy Riar only stand quashed.

8. The petition *qua* petitioner no.2-Ranjodh Singh, is disposed of with liberty to approach the Court after getting his statement recorded *qua* compromise before the trial Court.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

21.08.2023
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

