

2023:PHHC:145910
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5789-2023 (O&M)
Date of Decision:16.11.2023

Rajwant Kaur and Others

...Petitioners

vs.

State of Punjab and Another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Chandan Chopra, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Sushma Chopra, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No. 37 dated 17.04.2018 under Sections 420,120-B,13 of Prevention of Human Smuggling Act, 2012 and (offence under Sections 465,467,468,471 of IPC added later on) vide GD No.22 dated 03.11.2020 registered at Police Station Kathunangal, Amritsar Rural, District Amritsar (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 09.01.2023 (Annexure P-3).

2. Vide order dated 16.08.2023, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise/affidavit dated 09.01.2023 (Annexure P-3).

3. In this case, even though the petitioner No.2 has not been able to

appear to make the statement, however, learned counsel for the complainant submits that she has no objection if the FIR in all subsequent proceedings are ordered to be quashed by this Court qua him as well, on the basis of compromise, as the matter has already been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court.

4. Pursuant to aforesaid order, the parties have appeared before the JMIC, Amritsar and got their statements recorded. Report dated 26.09.2023 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.

5. I have heard counsel for the parties and gone through the case file.

6. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and also in view of the law laid down in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052**, the present petition for quashing the FIR is allowed qua the petitioners.

7. Resultantly, FIR No. 37 dated 17.04.2018 under Sections 420,120-B,13 of Prevention of Human Smuggling Act, 2012 and (offence under Sections 465,467,468,471 of IPC added later on) vide GD No.22 dated 03.11.2020 registered at Police Station Kathunangal, Amritsar Rural, District Amritsar (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 09.01.2023 (Annexure P-3)

alongwith all consequential proceedings arising therefrom are hereby quashed
qua the petitioners.

8. All other pending applications, if any, also disposed of.

16.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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