

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

CRM-M No.9148 of 2023

Date of decision: 14th September, 2023

Dinesh Kumar @ Dinesh Kaushik & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Joon, Advocate for the petitioners.

Mr. Mohit Kapoor, Add. Advocate General, Punjab
for the respondent/State.

Mr. Krishan Sharma, Advocate for
Mr. Neeraj Goel, Advocate for respondents No.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.0142 dated 28.11.2022 under Sections 406, 420, 506 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Julkan, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 08.02.2023 (Annexure P-2) effected between the parties.

2. Vide order dated 07.07.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate, 1st Class, Patiala, in pursuance of the direction of this Court,

wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR qua the accused-petitioners is quashed.

4. The trial Court has annexed a copy the statements of the parties, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondents No.2 to 4 are the only aggrieved persons in the FIR in question.

6. In view of the report of the learned Judicial Magistrate, 1st Class, Patiala and the principles laid down by the Apex Court in ‘**Gian Singh Vs. State of Punjab and others**’ (2012) 10 SCC 303, and also by the Full Bench of this Court in ‘**Kulwinder Singh and others v. State of Punjab and another**’ 2007 (3) RCR (Criminal) 1052, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it qua the petitioners, are quashed.

7. Needless to say, the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

September 14, 2023
rps

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