

267

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14171 of 2021****Date of decision: 27.07.2023**

Jagjion Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. A.K. Walia, Advocate,
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

Ms. Khushika Setia, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J.

1. This petition for quashing of FIR No. 268 dated 30.8.2018 under Sections 406, 420 IPC, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered with Police Station Division City Rajpura, District Patiala and other ancillary proceedings has been filed by petitioners Jagjion Singh, Harjit Singh and Kulwant Kaur on the basis of compromise dated 19.11.2019 (Annexure P-2).

2. Vide order dated 31.03.2021 of this Court, the parties were directed to move an application before the learned trial Court/Illaq Magistrate concerned to get their statements recorded regarding the compromise arrived at, between them.

3. Report dated 03.05.2023 has since been received from the learned Sub Divisional Judicial Magistrate, Rajpura in pursuance of the direction of this Court. 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. The trial Court has annexed the photocopies of the statements of the parties alongwith its report.

4. Learned State counsel also submits that there are no other accused other than the petitioners.

4. In view of the report of the learned Sub Divisional Judicial Magistrate, Rajpura 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 Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid protest petition, summoning order, FIR and all consequential proceedings arising out of the same, are quashed qua the petitioners.

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

27.07.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No