

246

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26512-2023 (O&M)

Date of decision: July 21, 2023

Sukhwinder Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Narinder Singh Dhillon, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Rakesh Kaundal, Advocate for respondent No.2.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.002 dated 11.01.2022, under Sections 406, 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Kheri Gandian, Tehsil Rajpura, District Patiala and all consequential proceedings arising therefrom, on the basis of compromise dated 27.03.2023 (Annexure P-2), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 25.05.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 07.06.2023 of learned Judicial Magistrate First Class, Rajpura and a perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and is voluntarily, without any pressure, coercion or threat from any side. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel for respondent No.2also makes a statement that the compromise having been effected, he would have no objection to the quashing of the 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*¹and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².
6. Adverting back to the facts of the present case, it is apparent that compromise has been arrived at between the parties voluntary and without any coercion.
7. In the considered view of this Court, it would be 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 the impugned FIR.
8. For the reasons recorded above, the present petition is allowed. FIR No.002 dated 11.01.2022, under Sections 406, 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Kheri Gandian, Tehsil Rajpura, District Patiala and all proceedings emanating therefrom *qua* the petitioner stand quashed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 21, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052