

**138 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM M-30534-2023 (O&M)
Date of Decision: 18.08.2023**

Naveen Hans @ Raja

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Onkar Rai, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Amit Mehta, Advocate
for respondents No.2 and 3.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.150 dated 29.10.2022 under Section 420 of the Indian Penal Code, 1860 (for short, '*the IPC*'), Section 24 of the Immigration Act, 1983 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Nurpur Bedi, District Rupnagar (**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise (**P-2**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. The FIR was lodged on the statement of Mohd. Saleem in which he stated that accused Amanpreet Singh @ Gogi and Jassi gave kirpaan blow to him, his son Arif and brother Jaggi. The complainant started shouting on which the accused fled away from the spot.

3. This Court while issuing notice of motion, on 12.07.2023, passed the following order:-

“.....

(7) *In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on **24.07.2023** for recording their statement(s) with reference to the compromise, if any, entered into between them.*

(8) *Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-*

(i). *Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?*

(ii). *Whether the compromise effected between the parties is genuine and valid?*

(iii). *Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*

(iv). *Whether any other case is pending against either of the parties or not, if yes, the details thereof?*

(v). *Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

(vi). *Whether any of the petitioner(s) is/are previous convict or not?*

(9) *List before this Court on **09.08.2023** for further consideration.*

(10) *Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?*

(11) *Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate Ist Class, Sri Anandpur Sahib and

submitted a report dated 27.07.2023. The operative part of the same reads as under:-

“...

1. *Yes, the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner.*
2. *Yes, the compromise effected between the parties is genuine and valid.*
3. *Yes. Accused Naveen Hans @ Raja and complainants Rekha and Gurcharan Dass are party to the compromise.*
4. *No other case is pending against the parties to compromise.*
5. *None of the persons involved in this case/dispute have been declared proclaimed offender.*
6. *Petitioner is not previously convicted.”*

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 5000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

18.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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