

263 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32105-2023 (O&M)
Date of decision: 25.09.2023

Sab Singh

...Petitioner

VS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Gagandeep Singh Sirphikhi, Advocate,
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr.Vishal Sodhi, Advocate
for respondents no.2 and 3.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.68 dated 01.07.2020 (Annexure P-1) registered under Section 420 of IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Ghanie Ke Bangar, Police District Batala, and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 10.03.2023 (Annexures P-2) arrived at between the parties.

2. Since quashing was sought on the basis of compromise, this Court vide order dated 06.07.2023 had directed the parties to appear before the *Illaq* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 18.08.2023 of learned Judicial Magistrate Ist Class, Batala, had been received. Report reveals that statements of complainant party i.e. respondents No.2 and 3 as also of accused/present petitioners, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the complainant party/respondents No.2 and 3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

4. Learned State counsel has filed a short reply dated 25.09.2023, which is taken on record and as per the reply no compromise has been handed over to the investigation officer.

5. Learned counsel for the petitioners relies upon a judgment of a co-ordinate Bench of this Court in "**Sarabjit Singh and another vs. State of Punjab and another**" (CRM-M-52158-2019, decided on 19.02.2020). which states that even if the offence under Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, is made out in the FIR, same can be quashed on the basis of compromise.
6. Learned counsel for complainant/respondents No.2 and 3 states that they would have no objection to the quashing of FIR in question.
7. 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**"¹ and a Full Bench decision of this Court in "**Kulwinder Singh and others V. State of Punjab and others**"².
8. In the premise it is 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 impugned FIR.
9. Petition is thus allowed. FIR No.68 dated 01.07.2020 (Annexure P-1) registered under Section 420 of IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Ghanie Ke Bangar, Police District Batala, and all proceedings emanating there from *qua* petitioner, stand quashed.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 25, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No

¹Criminal Appeal No.1489 of 2012
2007 (3) RCR (Criminal) 1052