

**S. No.240**

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

**CRM-M-43871 of 2019**

**Date of Decision:02.03.2023**

**Jagdeep Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and another**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Ms. Gurnam Kaur Turka, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Gurpreet Singh Ahluwalia, Advocate for respondent No.2.

\*\*\*\*

**DEEPAK GUPTA, J. (Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0075 dated 05.04.2019 registered under Section 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, Amended Act 2014 at Police Station City, Rajpura and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2019 (Annexure P-2).

This Court vide order dated 24.02.2020 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, learned Magistrate has submitted report on 07.12.2022, as per which there were three victims, out of which, one of them, Parveen Kumar got his statement recorded. It was further informed that one of the victim, namely, Vijay Kumar was settled in abroad, however, now-a-days he is in India. As per direction of the Court on that date, he has also made a statement there-at regarding the compromise. Report dated 02.01.2023 has been

received from the trial Court. It is stated by learned counsel for the petitioner that whereabouts of one of the victim, i.e. Sachin Yodhya are not available anywhere. He did not even join the investigation at any stage and even his statement under Section 161 Cr.P.C was never recorded.

Learned State Counsel, after getting instructions from ASI Prem Kumar, concedes this fact that statement of Sachin Yodhya was never recorded under Section 161 Cr.P.C.

Having regard to the aforesaid facts and circumstances, the statements made by the victims Parveen Kumar and Vijay Kumar are hereby accepted and in view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No.0075 dated 05.04.2019 registered under Section 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, Amended Act 2014 at Police Station City, Rajpura and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2019 (Annexure P-2), are quashed.

March 02, 2023

renu

( DEEPAK GUPTA )

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No