

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-49098-2023 (O&M)

Date of Decision: 30.11.2023

GURPAL SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Bawa, Advocate
for the petitioners.

Mr. I.P.S. Sabharwal, DAG Punjab.

Mr. Vikrant Vij, Advocate for
Mr. Mandeep Singh, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 224 dated 07.07.2015 registered under Sections 13 of Punjab Prevention of Human Smuggling Act 2012 at Police Station Civil Lines, District Amritsar City and all subsequent proceedings arising therefrom in view of the compromise/affidavit dated 06.09.2023.

2. The FIR has been registered on the statement of complainant-Paramjeet Kaur on the allegations that four persons namely Johan, Sonu, Gurpreet and Sargor have played fraud upon her as they have taken Rs. 1,70,000/- from the complainant on account of sending his son to Saudi Arab and to give him a job in a Company named as AL-Talib-for-Transportation- Trading and Contracting Company, but when his son reached there, no Company with such name was found. Now with the

intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Learned counsel for the petitioners contend that the FIR has already been quashed on the basis of compromise qua the another accused namely Johan Masih @ John @ Parveen vide order dated 11.05.2023 passed by this Court in CRM-M-4882-2023.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 24.11.2023 has been received from Judicial Magistrate Ist Class, Amritsar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer and learned counsel for respondent No. 2 admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be

an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon’ble Supreme Court in *Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.*The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....*”

9. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrI.) 1052**, this petition is allowed and FIR No. 224 dated 07.07.2015 registered under Sections 13 of Punjab Prevention of Human Smuggling Act 2012 at Police Station Civil Lines, District Amritsar City and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

30.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No