

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

**CRM-M-53376-2022**  
**Date of Decision: 24.04.2023**

**BITTU SAHOTA** **VS.** **... PETITIONER**  
**STATE OF PUNJAB AND ANOTHER** **.. RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Rakesh Kumar, Advocate  
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Tushar Sharma, Advocate  
for respondent No.2.

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**VIVEK PURI, J.(ORAL)**

1. The petitioner is seeking to quash the FIR No. 0011 dated 18.02.2018 under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act registered at Police Station Dhilwan, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 18.11.2022, the parties were directed to get their statements recorded before the learned Duty Magistrate/Illaqa Magistrate/trial Court.

3. In compliance of the order dated 18.11.2022, the statements of the parties have been recorded and the learned Judicial Magistrate, 1<sup>st</sup> Class, Kapurthala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) As per statements of Investigating officers DSP Sundeep Singh Mand and DSP Davinder Singh, there are 2 accused namely (1) Sarup Singh @ Rinku s/o Jarnail Singh, (2) Bittu Sahota s/o Balkar Sahota involved in the present FIR.

(ii) As per statements of Investigating officers DSP Sundeep Singh Mand and DSP Davinder Singh, none of the accused has ever been declared Proclaimed offender.

(iii) In view of the statements so made by Respondent/complainant Shawinder Singh and Petitioner/accused namely Bittu Sahota, this Court is of the considered opinion that both abovesaid parties have entered into compromise voluntarily, without any pressure and the present compromise is genuine one and is not the result of any fraud or misrepresentation and is the result of free will of the parties.

(iv) As per statements of Investigating Officers DSP Sundeep Singh Mand and DSP Davinder Singh, they are neither aware nor it is in their knowledge whether the accused persons are involved in any other case or not.

(v) As per statements of Investigating Officers DSP Sundeep Singh Mand and DSP Davinder Singh, complainant Shawinder Singh, his son Malkit Singh and his nephew (Bhanja) Malkit Singh s/o Kishan Singh are the victims in the present FIR.

*(6) It is further submitted that if the compromise is accepted, it would be beneficial for both the parties”*

4. Learned counsel for the petitioner contends that the FIR was registered on the allegations that the petitioner alongwith co-accused Saroop Singh @ Rinku deceitfully obtained a sum of Rs.9 lac from respondent No.2 for the purpose of sending his son and nephew abroad. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-

2. A sum of Rs. 2 lac has been paid to respondent No.2 in full and final settlement of his claim. Furthermore, the FIR qua Saroop Singh @ Rinku, co-accused, has been quashed on the basis of compromise in terms of the order dated 31.08.2022 passed by the Coordinate Bench of this Court in CRM-M-44505-2018. The report of the trial Court also indicates that son and nephew of respondent No.2 are also victims but amount has only been paid by respondent No.2, whose statement has been recorded by the learned trial Court. An amicable settlement will help in maintaining the cordial relations between the parties in future.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

6. After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Considering the peculiar facts and circumstances of the case noted

above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.0011 dated 18.02.2018 under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act registered at Police Station Dhilwan, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

24.04.2023  
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(VIVEK PURI)  
JUDGE

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