

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

288 CRM-M-25069-2023
Date of Decision:03.04.2024

Gurpreet Singh and anotherPetitioners
Vs.
State of Punjab and AnotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Phul, Advocate
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Abhishek Malik, Advocate for
Mr. Mayur Karkra, Advocate for
respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.120 dated 21.10.2018 registered under Sections 420, 465, 468, 471, 120-B of the IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Sector Julkan, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 23.11.2019 (Annexure P-4).

2. This Court vide order dated 05.12.2023 and again vide order dated 07.02.2024 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. It was also directed to record the statement of petitioner No.1 through Video Conferencing.

3. Pursuant to the aforesaid order, respondent No.2 appeared on

22.12.2023 before Learned Judicial Magistrate 1st Class and got his statement recorded. Statement of petitioners with regard to compromise was recorded before Magistrate through Video Conferencing on 27.02.2024. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 04.03.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

5. 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.

6. 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.120 dated 21.10.2018 registered under Sections 420, 465, 468, 471, 120-B of the IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Sector Julkan, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 23.11.2019 (Annexure P-4), are quashed *qua* the petitioners.

(DEEPAK GUPTA)
JUDGE

April 03, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No