

275 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRM-M-29751-2023

Date of Decision : March 13, 2024

Kashmir Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Mohit Garg, Advocate
 for the petitioners.

Mr. Mohit Saroha, AAG, Punjab.

Mr. Parmod K. Parmar, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.(ORAL)

The present petition has been filed for quashing of FIR No.293 dated 17.11.2019 under Sections 406, 420, 120-B IPC, Section 12 of the Passports Act, 1967 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Patran, Tehsil and District Patiala and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) entered into between the parties.

Vide order dated 30.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 30.10.2023

with regard to the compromise (Annexure P-2).

In terms of the order dated 30.10.2023 passed by this Court parties have appeared before the court of the Judicial Magistrate 1st Class, Samana and as per report dated 07.03.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in “***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***”.

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kalra & others Versus State of Punjab & another, CRM-M-20355-2022, decided**

on 25.07.2022 submits that partial quashing of the FIR was possible on the basis of a compromise.

In view of the aforesaid report of the learned Judicial Magistrate 1st Class, Samana accompanied by statements of both the parties, the FIR No.293 dated 17.11.2019 under Sections 406, 420, 120-B IPC, Section 12 of the Passports Act, 1967 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Patran, Tehsil and District Patiala and all consequential proceedings arising therefrom are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 13, 2024
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO