

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

305

2024:PHHC:021455

CRM-M-36599-2023

Date of decision: February 15th, 2024

Payal alias Harman and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajneesh Budhiraja, Advocate
for the petitioners.

Mr. Sanjeev Kumar, Additional Advocate General,
Haryana.

Mr. Abhishek Sobti, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the instant petition is for quashing of FIR No.251 dated 14.11.2018 under Sections 420, 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Sadar Ludhiana, along with all subsequent proceedings arising therefrom, on the basis of compromise effected between the parties.

2. Vide order dated 14.12.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 15.01.2024 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Ludhiana, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise

has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The trial Court has annexed the copies of the statements of the parties, along with its report.

5. Learned counsel for the complainant has informed the Court that third accused Anika, with whom no compromise has been effected, was in fact the owner of the immigration agency, while the petitioners herein are employees; the role attributed to the petitioners was much more trivial in comparison to accused-Anika, who in fact is the prime accused in the case in hand.

6. Learned State counsel submits that respondent No.2 is the only aggrieved person in the FIR in question.

7. In view of the report of the learned Judicial Magistrate Ist Class, Ludhiana, and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the petitioners only.

8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

February 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No