

CRM-M-41527-2019
Date of decision: 15.01.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Kumar Kachura, Advocate for
Mr. Rajinder Kantiwal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kuldip 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.70 dated 16.07.2019 registered under Section 420, 465, 120-B of Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sadar Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 11.09.2019 (Annexure P-2).

2. The FIR has been registered on the statement of complainant on the allegations that the petitioners along with other accused persons cheated the complainant on the pretext of sending them abroad. 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 submits that on 14.02.2023, the proxy counsel was not aware of the facts of the case. As such,

inadvertently, he sought time to move an appropriate application seeking the plea of third accused as necessary party.

4. 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 has been received from Judicial Magistrate First Class, Abohar stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned State counsel, on instructions from ASI Suresh Kumar, and learned counsel for the complainant-respondent No.2 admit 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.

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

7. In a decision, based on compromise, none of the parties is a loser. Rather, 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

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fellowship or reunion.....”

8. 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 *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256 and Jayaraj Singh Rana Vs. State of Gujrat 2012(4) RCR (Crl.) 589, 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 (Crl.) 1052*, this petition is allowed and FIR No.70 dated 16.07.2019 registered under Section 420, 465, 120-B of Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Sadar Abohar, District Fazilka (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

January 15, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |