



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-12233-2025 (O&M)
Date of decision: 26.05.2025

Sunil Kumar Gauba

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Arora, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No.38 dated 04.03.2020 under Section 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station City Batala, Punjab and all other subsequent proceedings arising therefrom in view of the compromise dated 27.02.2025 (Annexure P-2).

2. The following order was passed on 06.03.2025:-

“XX XX XX XX

Notice of motion.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Malkiat Singh, Advocate and Mr. Tarun Seth, Advocate accept notice for respondent



No.2 and file their power of attorney, which is taken on record. They admit to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Adjourned to 05.04.2025.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*** 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.38 dated

2025:PHHC:071362



04.03.2020 under Section 420 of IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station City Batala, Punjab and all other subsequent proceedings arising out of the same are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No