

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

136

CRM-M No. 40962-2024 (O&M)**Date of Decision: 07.07.2025**

Gurpreet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** None for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

None for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No. 132 dated 04.11.2023, under Sections 120-B, 406, 420 of the Indian Penal Code, 1860, and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Urban Estate, District Patiala and all consequential proceedings arising therefrom on the basis of compromise deed dated 16.08.2024 (P-2).

2. The Coordinate Bench on 23.08.2024 passed the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 30.01.2025.

At this stage, Mr. Sidharth Attri, AAG, Punjab, accepts notice on behalf of respondent No.1-State, while Mr. Vishal Mehta, Advocate, has put in appearance on behalf of respondent



No.2 and filed his vakalatnama, which is taken on record.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, and upon getting requisite information from Investigating Officer, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded, broadly on the following aspects:

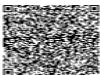
- (i) Whether there is any other accused other than the petitioners, arrayed in this petition?*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?*
- (iii) Whether any accused has been declared Proclaimed Offender?*
- (iv) Whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion?*

The report be submitted before this Court on or before the next date.”

3. In pursuance of aforesaid order, report 20.01.2025 has been received from learned Judicial Magistrate First Class, Patiala. Operative part of the same is as under:-

“(i) As per the statement of the complainant and the Investigating Officer, there are three accused arrayed in this FIR namely, Harminder Singh son of Charanjit Singh, Gurpreet Singh son of Dangal Singh and Gagan son of Surinder Anand.

(ii) As per the statement of the Investigating officer, the complainant in this case is Nirmal Singh son of Ram Krishan resident of H.No. 124, Ward No.3, Punjabi Bagh, Jalandhar and along with him Pennu Jaiswal daughter of Ram Saroop, r/o House No. 351, Punjabi Bagh, Jalandhar,



Rajni and Sukhwinder Kaur daughters of Amarjit residents of village Puranpur, District Jalandhar are aggrieved parties in this case.

(iii) As per the statement of the Investigating Officer, none of the accused has been declared as a proclaimed offender.

(iv) As per the statement suffered by complainant-Nirmal Singh, this court is of the opinion that compromise has not been effected between the parties.”

- 4. Perusal of the above extract reveals that complainant has flatly refused regarding the alleged compromise.
- 5. In view of the above, it can be safely observed that no compromise has taken place between the parties i.e. petitioners as well as respondent No. 2.
- 6. Consequently, there is no option except to dismiss the present petition “at this stage”.
- 7. So ordered.
- 8. Above observations be not construed as an expression of opinion on merits of the present case, in any manner.

Pending application(s), if any shall also stands disposed off.

07.07.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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