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

CRM-M-41930-2024

Date of decision: 23.05.2025

Vikas Sharma

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Naresh Kaushik, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

1. This petition has been filed under Section 482 of Cr.P.C. seeking quashing of FIR No.200 dated 19.12.2018 under Section 420 of IPC, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 and Section 24 of Immigration Act, registered at Police Station City Nawanshahar, District SBS Nagar along with order dated 09.08.2019 (Annexure P-2) as well as all subsequent proceedings arising therefrom on the basis of compromise dated 15.07.2024 (Annexure P-3).

2. The following order was passed on 25.02.2025:-

“ Learned counsel for the petitioner submits that petitioner has been declared as proclaimed person without following the drill of Section 82 of Cr.P.C. and petitioner was never served. As such, the impugned order dated 09.08.2019 (Annexure P-2) is not sustainable in the eyes of law. He further submits that now a compromise has been effected between the parties as discernible from compromise dated 15.07.2024 which is available on record as Annexure P-3.

Adjourned to 25.04.2025.

Petitioner is directed to appear before the trial Court within a week and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, subject to payment of costs of Rs.50,000/- to be deposited with the PGIMER Chandigarh Poor Patients' Welfare Fund.



Further the parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 25.04.2025.

The receipt of payment of costs imposed must be presented before learned jurisdictional/Illaq Magistrate. The learned Court below is directed to record statements of the parties only upon verification of payment of said costs.

It the petitioner fails to surrender before the learned trial Court/Illaq Magistrate, within the stipulated period, the interim relief granted to the petitioner vide this order shall be deemed to be automatically vacated.

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

4. On 25.04.2025, the following order was passed:-

‘Learned counsel for the petitioner submits that due to some unavoidable circumstances, the parties could not appear before the learned trial Court/Illaq Magistrate, for recording their statements regarding the compromise. He seeks another opportunity to comply with the order dated 25.02.2025 and submits that since the petitioner—

Vikas Sharma has gone abroad, liberty may be granted to record his statement through the power of attorney holder of the petitioner i.e. his father.

Allowed as prayed for.

Adjourned to 23.05.2025.

This will, however, be subject to payment of costs of Rs.5,000/- to be deposited with the PGIMER Poor Patient Welfare Fund, Chandigarh.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of 02 weeks from today.

The learned trial Court/Illaq Magistrate is directed to record the statement of the parties in pursuance to the order dated 25.02.2025, passed by this Court and submit its report well before the next date of hearing.

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

5. 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.

6. 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**



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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.200 dated 19.12.2018 under Section 420 of IPC, Section 13 of Punjab Prevention of Human Smuggling Act, 2012 and Section 24 of Immigration Act, registered at Police Station City Nawanshahar, District SBS Nagar along with order dated 09.08.2019 (Annexure P-2) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025

Neha

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