

CRM-M-51461-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51461-2023 (O&M)

Date of Decision: 30.01.2025

GURKIRAT SINGH @ GURKIRATPAL SINGH @ GURPREET SINGH
...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mandeep Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Mr. Vedant, Advocate for

Mr. Balbir Singh, Advocate for the respondent.

Harpreet Singh Brar, J. (Oral)

1. The present petition is for quashing of the FIR No.0006 dated 08.01.2021 (Annexure P-1) under Sections 406, 420 and 120-B of Indian Penal Code (wrongly mentioned as 102-B of IPC in the petition) and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Tripri Patiala, Punjab, and all other subsequent proceedings arising therefrom on the basis of affidavit dated 03.09.2021 (Annexure P-2).

2. The following order was passed on 29.04.2024:

“The present petition is for quashing of the FIR No.0006 dated 08.01.2021 under Sections 406, 420 and 120-B of Indian Penal Code (wrongly mentioned as 102-B of IPC in the petition), registered at Police Station Tripri Patiala, Punjab, and all other subsequent proceedings arising therefrom on the basis of affidavit dated 03.09.2021 (Annexure P-2).

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Adjourned to 28.05.2024.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 10.05.2024 or any other date fixed by the Court below, for recording their statements, who shall record their respective state-

ments with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

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 (CrI.) 1052**, this petition is allowed and FIR No.0006 dated (wrongly mentioned as 102-B of IPC in the petition), and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Tripri Patiala, Punjab along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

30.01.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No