

(2021) 02 P&H CK 0029

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 33325 Of 2020

Gagandeep Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 03-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 406, 420
Punjab Prevention Of Human Smuggling Act, 2012 — Section 13

Citation : (2021) 02 P&H CK 0029

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hari Pal Verma, J

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0110 dated 07.04.2020 under Sections 420, 120-B IPC (the offence

under Section 406 IPC was added later on) and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Tripri

Patiala, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 29.09.2020

(Annexure P-2).

This Court vide order dated 16.10.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and

the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.12.2020 to the effect that the compromise effected between the parties is genuine, voluntarily, without any pressure, coercion or threat.

Though no one is present on behalf of respondent No.2- complainant Balwinder Singh in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 10.12.2020. The same is reproduced as under:-

â??Stated that I am the complainant of present case FIR no.110 dated 7.4.2020, U/ss 420/120-B/406 IPC (offence U/s 406 IPC added later on) and

U/s 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at P.S Tripuri, Patiala against accused Gagandeep Singh, Kamaljit Kaur,

Pushpinder Singh @ Rubal and Parminder Kaur. Now due to intervention of respectables of locality and common friends, I have compromised with

the accused Gagandeep Singh, Parminder Kaur and Pushpinder Singh @ Rubal voluntarily and without any pressure, coercion or threat. I produce

copy of compromise Ex.C1 and I identify my signatures at point A on the same. I have no objection if present FIR and proceedings arising out of

present FIR against the accused Gagandeep Singh, Parminder Kaur and Pushpinder Singh @ Rubal are quashed by the Hon'ble Punjab and Haryana

High Court. I am giving this statement voluntarily and without any pressure, coercion or threat. The compromise between me and accused Gagandeep

Singh, Parminder Kaur and Pushpinder Singh @ Rubal is genuine.â??

Though statements of the petitioners-accused have also been recorded, but in view of the fact that complainant-respondent No.2- Balwinder Singh has

suffered the statement, in support of the compromise, this Court does not find any impediment in quashing the present FIR on the basis of

compromise.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, following the principles laid down by the Full Bench judgment of this Court in Kulwinder Singh and others Versus State of Punjab and another

2007 (3) RCR (Criminal) 1052, as approved by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this

petition is allowed and FIR No.0110 dated 07.04.2020 under Sections 420, 120-B IPC (the offence under Section 406 IPC was added later on) and

Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Tripri Patiala, District Patiala (Annexure P-1) and all the

consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 29.09.2020 (Annexure P-2),

however, subject to payment of costs of `15,000/- to be deposited by the petitioners, within a period of one month from today with the Bar Association

of this Court.

Since the present order is being passed in the absence of respective lawyers of the parties, in case either party finds that any prejudice has been

caused to them, they shall be at liberty to seek revival of the present petition.