
(2019) 03 P&H CK 0178

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 3044 Of 2019 (O&M)

Navtej Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 11-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 420

Punjab Prevention Of Human Smuggling Act, 2012 — Section 13

Citation : (2019) 03 P&H CK 0178

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : D.S.Malwai, Sandeep Kumar, Harkirat Singh Sandhu

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.118 dated 31.05.2018 (P-1), under Section 420 of the Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Civil Lines Patiala, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 18.06.2018 (P-2), entered into between the parties i.e. petitioners as well as respondent No.2.

The case of the prosecution is that complainant-Sukhpreet Kaur (respondent No.2), on the pretext of sending her son-Amandeep Singh abroad, paid an amount of ` 8 Lakh on various occasions to the petitioners and they assured that firstly her son will be sent to Georgia with other boys and after staying there for 15-20 days, he would be sent to Portugal, but petitioners kept her son for six months at Georgia and he was not sent to Portugal. After six months i.e. on 27.07.2017, her son was sent back to India, therefore, complainant demanded money back from the accused persons. On refusal, the complainant registered

the present FIR.

This Court, on 13.02.2019, passed the following order:-

" Mr. Harkirat Singh Sandhu, Advocate has filed his power of attorney on behalf of respondent No. 2 in the Court today. The same is taken on record.

It is jointly stated by learned Counsel for the parties that the matter has been compromised.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 20.02.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender. (vi). whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 11.03.2019 for further consideration. Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance. "

In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Patiala and submitted a report dated 26.02.2019. The operative part of the same reads as under:-

' This Court is satisfied that complainant as well as the accused Navtej Singh son of Amrik Singh and Bhupinder Singh have suffered statements voluntarily without any pressure, threat or coercion. '

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no

objection by either of the parties in case the FIR in question is quashed.

Learned State Counsel, on instructions from H.C. Iqbal Singh, has submitted that he also has no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.