

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

**Criminal Misc. No. M-25321 of 2016
Date of Decision:-18.11.2016**

Gian Singh Kalra and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Kushagra Mahajan, Advocate for
Mr. Rahul Rampal, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. Rinku Singh Baziyan, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.83 dated 28.5.2016, under Sections 420, 120-B IPC and Section 24 of the Emigration Act, 1983, registered at Police Station Division No.5, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 27.7.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 27.7.2016, the parties have appeared before the learned Magistrate on 1.9.2016 for getting their statements recorded.

The report dated 9.9.2016 received from the learned Additional Chief Judicial Magistrate, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Janak Singh before the ACJM, Ludhiana, on 1.9.2016 reads as under :-

“Stated that the present case bearing FIR No.83 dated 28.5.2016 U/s 420/120-B IPC & 24 of Emigration Act, P.S. Div. No.5 Ludhiana was registered against accused by me. I have compromised the matter with the accused Jaswinder Singh and Gian Singh Kalra son of Karam Singh both resident of # No.188-B, Model Town Extension Ludhiana, voluntarily out of my free will without my inducement, threat and pressure with the intervention of respectables of our locality and I have no grudge against both the accused persons present in the Court. Petition under Section 482 Cr.P.C. has filed before Hon'ble High Court for quashing present FIR on the basis of compromise with the accused and I have no objection in case the present FIR may be quashed.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid

factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.83 dated 28.5.2016, under Sections 420, 120-B IPC and Section 24 of the Emigration Act, 1983, registered at Police Station Division No.5, District Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 18, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No