

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

**Criminal Misc. No. M-34171 of 2016
Date of Decision:-25.10.2016**

Kavish Arora and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Manav Anand, Advocate for
Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Umesh Aggarwal, 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.146 dated 17.7.2016, under Sections 420 and 120-B IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Cantonment, District Police Commissionerate, Amritsar (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromise dated 19.9.2016 (Annexure P-1).

Vide order dated 24.9.2016, 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 24.9.2016, the parties have appeared before the learned Magistrate on 7.10.2016 for getting their statements recorded.

The report dated 13.10.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Anil Vig before the JMJC, Amritsar, on 7.10.2016 reads as under :-

“Stated that I got registered a case in shape of FIR bearing No.146 dated 17.7.2016, u/s 420, 120-B of IPC, P.S. Cantonment, Amritsar against accused Kavish Arora son of Late Surinder Kumar and Bharti Arora wife of Kavish Arora both residents of H.NO.520, Majitha road, Basant Nagar, Near Gopal Mandir, Amritsar. Now I have entered into compromise with the above said accused without any undue influence, pressure, and the said compromise is genuine one and as per terms and conditions of compromise I have already received Rs.2,00,000/- from the accused vide draft No.006221 dated 19.09.2016 drawn on HDFC Bank. Today, I have received cheque No.00023 dated 5.12.2016 drawn on HDFC Bank. Today, I have received cheque No.00023 dated 5.12.2016 and cheque No.00024 dated 20.02.2017 both drawn on HDFC Bank, Majith Mandi, Amritsar. I have no objection if present FIR is quashed or cancelled against accused Kavish Arora son of Late Surinder Kumar and Bharti Arora wife of Kavish Arora both

residents of H.NO.520, Majitha Road, Basant Nagar, Near Gopal Mandir, Amritsar on the basis of compromise. The original of said compromise is filed before the Hon'ble Punjab and Haryana High Court. The copy of same is Ex.P1..”

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.146 dated 17.7.2016, under Sections 420 and 120-B IPC read with Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Cantonment, District Police Commissionerate, Amritsar and the consequential proceedings arising therefrom are hereby

quashed qua petitioners on the basis of compromise.

October 25, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

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