

Nitin Pal Singh @ Nitin Rai
Vs.
State of Punjab and others

Present: Mr. H. K. Aurora, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab
for respondent No.1-State.

Mr. Ashok Aneja, Advocate
for respondent No.2.

Mr. Onkar Rai, Advocate
for respondent No.3.

The present case has been taken up today for clarification of the order of this Court dated 03.03.2017.

After hearing learned counsel for the parties and perusing the record, it is directed that the order dated 03.03.2017 would be substituted as under:-

“Through the present petition, quashing of FIR No.225 dated 19.12.2015, registered under Sections 406, 420, 120-B IPC and Section 24 of the Immigration Act, at Police Station Phase I, SAS Nagar (Mohali), along with all consequential proceedings arising therefrom, is sought, on the basis of compromise (Annexure P-2) arrived at between the parties.

Through order of this Court dated 09.02.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded, who, in turn, was directed to send a report to this Court along with the recorded statements clearly opining therein the veracity of compromise.

As directed, report dated 02.03.2017 from the Chief Judicial Magistrate, SAS Nagar, Mohali has been received, as per which, the parties recorded their statements before the trial court in terms of the

compromise arrived at between them and the said compromise was found to be genuine, voluntary and without any coercion or undue influence. It is further mentioned in the report that there is no other case pending between the parties. The copies of statements so recorded have also been sent along with the report.

Learned State counsel has also raised no objection.

*In view of the above, continuation of the proceedings in pursuance to the afore-referred FIR would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in **Kulwinder Singh and others vs. State of Haryana and others – 2007 (3) RCR (Criminal) 1052**, I deem it just and proper to allow the petition and resultantly, quash the FIR No.225 dated 19.12.2015, registered under Sections 406, 420, 120-B IPC and Section 24 of the Immigration Act, at Police Station Phase I, SAS Nagar (Mohali), along with all consequential proceedings arising therefrom, qua the petitioner.”*

(DEEPAK SIBAL)
JUDGE

March 14, 2017

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