

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

CRM-M-28305-2019 (O&M)

Date of decision : 26.08.2019

Harbans Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioners has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.0040 dated 09.06.2019 registered under Sections 420, 406 of the Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Begowal, District Kapurthala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 08.07.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 29.07.2019 sent by the learned Sub Divisional Judicial Magistrate, Bholath (Kapurthala), has been received which is available on record of the case along with the statements of the parties. Learned Magistrate has reported that the parties have made their statements

voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

After going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**,

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.0040 dated 09.06.2019 registered under Sections 420, 406 of the Indian Penal Code and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

26.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**