

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

CRM-M-31458-2019 (O&M)

Date of decision : 05.09.2019

Gopal @ Gopal Krishan Dhir and another

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Saqib Ali Khan, Advocate for the petitioners.

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

Mr. Anshul Gupta, Advocate for respondent No.2.

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**ANIL KSHETARPAL, J. (ORAL)**

Petitioners have 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.29 dated 11.03.2019 registered under Sections 406, 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Kotwali Nabha, District Patiala, and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

Today, both the parties are present in the Court, duly identified by their respective counsels. They have filed their respective affidavits in the Court today and admit the correctness of the compromise as also settlement arrived at between the parties.

After hearing the learned counsel for the parties and 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.29 dated 11.03.2019 registered under Sections 406, 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Kotwali Nabha, District Patiala and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

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

**05.09.2019***Pawan***(ANIL KSHETARPAL)  
JUDGE****Whether speaking/reasoned:-                      Yes/No****Whether reportable:-                                      Yes/No**