

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31928-2019 (O&M)
Date of Order:06.09.2019

Rakesh Kumar @ Rakesh Shah

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K.Singla, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

None for the complainant.

ANIL KSHETARPAL, J(Oral)

The 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.85, dated 03.06.2019, registered under Sections 420/120-B IPC and Section 24 of the Immigration Act, 1983, at Police Station Model Town, District Ludhiana and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued and the parties were directed to remain present in this Court on the next date of hearing.

Today, the petitioners-accused and the complainant/respondent no.2 are present. Petitioner has been identified by his counsel and the complainant, who is present in court, has been duly identified ASI Abhinash Rai, the Investigating Officer. They have filed their respective affidavits in

Court today with regard to the compromise/settlement, which are marked as

'A' and 'B'.

Counsel for the petitioner and the complainant, who is present in Court today pray that in view of the aforesaid facts, the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab states that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the quashing of the FIR and all subsequent proceedings emanating therefrom.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioner-accused and the complainant/respondent no.2 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledges the settlement/compromise.

In the considered opinion of this Court, 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** and **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.85, dated 03.06.2019, registered under Section 24 of

the Immigration Act, 1983, at Police Station Model Town, District Ludhiana and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

September 06, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No