

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-37426 of 2019

Date of Decision: September 20, 2019.

Barinder Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.B.B.S.Randhawa, Advocate, for the petitioners.

Mr.Bhupender Beniwal, AAG, Punjab for respondent No.1.

Mr.Arastu Chopra, 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.63 dated 05.06.2019, registered under Section 420 of IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012, at Police Station Sadar, Batala, District Batala, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 05.09.2019 and counsel for the parties were requested to file affidavits before the next date of hearing regarding genuineness, voluntarily of the compromise and that it has been arrived at between the parties without any coercion or undue influence.

In compliance of the order dated 05.09.2019, both the parties have filed their respective affidavits which are taken on record. Both the parties are present in the Court who have been identified by the respective counsel. Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties and going through 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 the Court settlement by way of compromise (Annexure P-2). 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*, upheld 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.63 dated 05.06.2019, registered under Section 420 of IPC and 13 of Punjab Prevention of Human Smuggling Act, 2012, at Police Station Sadar, Batala, District Batala, and all 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 20, 2019

mohinder

**(ANIL KSHETARPAL)
JUDGE**

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