

CRM-M-37995-2019

Date of Decision:16.12.2019

Hitesh Goyal and another

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL**Present:** Mr.G.S.Thind, Advocate for the petitioners.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Mr.Sarbjit Singh, Advocate for respondent No.2.**ANIL KSHETARPAL, J.**

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.51 dated 23.05.2019 registered under Sections 420/120-B of the Indian Penal Code (Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 added later on) at Police Station Ghuman, Police District Batala, District Gurdaspur and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 09.09.2019 passed by this Court, parties are present in the Court except petitioner No.1. They are identified by their respective counsel. The petitioners as well as complainant have tendered their affidavits, admitting that the compromise arrived at between them is genuine, voluntary and without any coercion or undue influence.

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.51 dated 23.05.2019 registered under Sections 420/120-B of the Indian Penal Code (Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 added later on) at Police Station Ghuman, Police District Batala, District Gurdaspur 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.

16.12.2019
mks

(ANIL KSHETARPAL)
JUDGE

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