

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27344-2020

Date of Decision : 17.09.2020

Parkash Masih

...Petitioner

Versus

State of Punjab and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Deepak Arora, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, Punjab.

Mr. Gajender Singh Rawat, Advocate for respondent No.2.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.0088 dated 03.003.2020, registered under Section 420 IPC, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Civil Lines, District Police Commissionerate, Amritsar, along with all subsequent proceedings arising out of the aforementioned FIR.

3. Learned counsel contends that the FIR was registered on the complaint made by respondent No.2, alleging that he made payment of Rs.7,00,000/- to the petitioner for sending his son abroad, but after taking the money, the complainant neither arranged the visa nor returned the money. It is further the stand of the petitioner which is duly supported

intervention of respectable members of the locality, the petitioner and respondent No.2 have entered into a compromise Annexure P/2, dated 01.09.2020 as per which the dispute between the parties has come to an end and respondent No.2 has no objection, in case the aforesaid FIR as registered against the petitioner is quashed. Learned AAG, Haryana, on instructions from ASI, Rajesh Kumar, has informed the Court that there is no cross-case, no PO proceedings are pending, besides challan has not been presented till date. Learned AAG, Haryana, as well as learned counsel for respondent No.2 states that they have no objection if the FIR and all subsequent proceedings are quashed in view of the compromise Annexure P/2 dated 01.09.2020.

4. In view of the portion as noted above, there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing of the said FIR along with all subsequent proceedings, in the interest of justice in view of the decision of this Court in 'Kulwinder Singh and Others' versus 'State of Punjab and Others' 2007(3) RCR (Crl.) 1052 as no useful purpose would be served by prolonging the litigation.

5. Accordingly, in view of the compromise, Annexure P/2 dated 01.09.2020 as well as decision of this Court in **Kulwinder Singh's** case (supra), FIR No.0088 dated 03.003.2020, registered under Section 420 of IPC, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Civil Lines, District Police Commissionerate, Amritsar, along with all subsequent proceedings arising out of the aforementioned FIR, are quashed.

7. Petition ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

September 18, 2020
‘Amit-Rajesh’