

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.220

CRM-M-26984-2021

Date of Decision:14.12.2021

Shivdeep Singh @ Goldy

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. G.S. Madaan, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. A.S. Dhaliwal, Advocate
for the complainant.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

Petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.149 dated 31.12.2020 registered under Sections 420, 120-B IPC and Section 24 of the Immigration Act at Police Station Division 1, Ludhiana as well as the consequential proceedings arising therefrom, on the basis of compromise (P-3).

While issuing notice of motion on 15.07.2021 this Court directed both the parties to appear before the trial Court to record their statements with regard to genuineness of the compromise and the learned trial Court was directed to send a report to this Court in this regard. The report dated 17.09.2021 of Judicial Magistrate, 1st Class, Ludhiana has been received, wherein it is stated that in pursuance of the order of this Court, the

statements of the parties were recorded which indicates that the compromise is genuine, 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-3). 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.

Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*, the present petition is allowed. Resultantly, FIR No.149 dated 31.12.2020 registered under Sections 420, 120-B IPC and Section 24 of the Immigration Act at Police Station Division 1, Ludhiana as well as the consequential proceedings arising therefrom are quashed qua the petitioner.

14.12.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO