

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12659-2022

Date of Decision:-05.07.2022

Nitish Ghai.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gagandeep Singh Virk, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Ms. Ansika Sharma, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.262 dated 31.08.2018 (Annexure **P-1**) under Sections 420 IPC and Section 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act registered with Police Station Division No.7, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 11.10.2018 (**P-2**) arrived at between the parties.

Vide order dated 25.03.2022 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 25.03.2022 with regard to the compromise dated 11.10.2018 (**P-2**).

In terms of the order dated 25.03.2022 passed by this Court parties have appeared before the court of Mr. Varundeep Chopra, Judicial Magistrate Ist Class, Ludhiana and as per his report dated 20.04.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

Perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052*** and ***Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

In view of the aforesaid report of the learned Judicial Magistrate Ist Class, Ludhiana accompanied by statements of both the parties, the FIR No.262 dated 31.08.2018 (Annexure **P-1**) under Sections 420 IPC and Section 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act registered with Police Station Division No.7, Ludhiana and all consequential proceedings arising arising therefrom are hereby quashed.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 05, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>