

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

CRM-M-15105-2022

Date of Decision:-01.09.2022

Nitish Ghai & Anr.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

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

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

Mr. Ravinder Singh, Assistant Advocate General, Punjab.

Mr. Arshvir S. Sandhu, Advocate for
Ms. Anshika Sharma, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.239 dated 19.08.2018 (Annexure P-1) under Sections 420, 120-B IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act registered at Police Station Division No.7, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 13.10.2018 (Annexure P-2) arrived at between the parties.

Vide order dated 08.04.2022 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 08.04.2022 with regard to the compromise dated 13.10.2018 (Annexure P-2).

Pursuant to the order dated 08.04.2022 passed by this Court, the parties have appeared before the learned Judicial Magistrate, 1st Class, Ludhiana and as per the report dated 02.07.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected 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***”.

Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in **Joginder Singh & another Vs. State of Punjab and another, CRM-M-23739-2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017** and **Bhoj Raj Vs. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019**, submits that partial quashing of the FIR was possible on the basis of a compromise.

Keeping in view the law laid down by this Court in the aforementioned judgments and the report of the learned Judicial Magistrate,

1st Class, Ludhiana, the FIR No.239 dated 19.08.2018 (Annexure **P-1**) under Sections 420, 120-B IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act registered at Police Station Division No.7, Ludhiana along with all the consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 01, 2022
Vinay

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