

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 241

CRM-M-39372-2018

Date of decision : 01.02.2023

Nitin Kumar

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Shivender, Advocate, for
Mr.B.S.Bhalla, Advocate, for the petitioner.

Mr.A.P.S.Tung, DAG, Punjab.

Proxy counsel for Mr.S.P.Singh, Advocate,
for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.59 dated 22.05.2018 registered under Sections 467, 468, 471 and 120-B IPC and Sections 10 and 24 of the Emigration Act, 1983 at Police Station Koom Kalan, District Police Commissionerate, Ludhiana and all proceedings arising therefrom qua the petitioner on the basis of affidavit/compromise (Annexure P-2) entered into between the parties.

On 03.03.2020/03.08.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements as to whether there is any other accused other than the petitioner and whether there is any other complainant or affected/aggrieved party other than the respondents.

As directed, report dated 16.08.2021 from the Judicial Magistrate, Ist Class, Ludhiana has been received as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; only the petitioner is arrayed as the accused and that respondent

No.2 is the only complainant/affected/aggrieved person.

Learned State counsel has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which offences are not heinous as also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.59 dated 22.05.2018 registered under Sections 467, 468, 471 and 120-B IPC and Sections 10 and 24 of the Emigration Act, 1983 at Police Station Koom Kalan, District Police Commissionerate, Ludhiana and all proceedings arising therefrom qua the petitioner.

01.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No