

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 253

CRM-M-53429-2021

Date of decision : 16.03.2023

Nitish Ghai

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.Shubham Kaushik, AAG, Punjab.

Mr.S.S.Sidhu, 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.243 dated 24.08.2018 registered under Section 420 IPC, Section 24 of the Emigration Act, 1983 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Division No.7, Ludhiana and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 30.08.2018 (Annexure P-2) entered into between the parties.

On 21.12.2021 this Court had directed the parties to appear before the Ilaqa Magistrate/Trial Court 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 with regard to the veracity of the compromise as also to inform the names and number of the accused and whether any of them has been declared a proclaimed offender.

As directed, report dated 24.01.2022 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; the compromise is genuine; only the petitioner is arrayed as accused and that he has not been declared a proclaimed offender.

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.243 dated 24.08.2018 registered under Section 420 IPC, Section 24 of the Emigration Act, 1983 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Division No.7, Ludhiana and all proceedings arising therefrom qua the petitioner.

16.03.2023
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[DEEPAK SIBAL]
JUDGE

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