

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

265

**2024:PHHC:020399
CRM-M-24719 of 2023
Date of decision: 13.02.2024**

Nitish Ghai **...Petitioner(s)**

Versus

State of Punjab and another **...Respondent(s)**

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

Mr. Arshvir Singh Sandhu, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.266 dated 01.09.2018 registered under Section 420 of the IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, at Police Station Division No.7, Ludhiana on the basis of compromise.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Roop Singh.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/ Illaqa Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate, Ist Class, Ludhiana along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioner(s) and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.266 dated 01.09.2018 registered under Section

420 of the IPC, Sections 10, 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, at Police Station Division No.7, Ludhiana and all the subsequent proceedings are hereby quashed qua the petitioner.

February 13, 2024
Poonam Sharma

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No